This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

PROPERTY OF
University of Michigan Libraries
1817
ARTES SCIENTIA VERITAS

THE WRITINGS

OF

SAMUEL ADAMS

VOLUME I

1764–1769

Of this Letter-press Edition

750 Copies have been Printed for Sale

No......

G. P. Putnam's Sons

May, 1904

THE WRITINGS

OF

SAMUEL ADAMS

= 12857

COLLECTED AND EDITED

BY

HARRY ALONZO CUSHING

VOLUME I

1764–1769

G. P. PUTNAM'S SONS

NEW YORK
27 WEST TWENTY-THIRD STREET

LONDON
24 BEDFORD STREET, STRAND

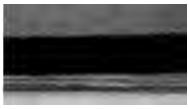
The Knickerbocker Press

1904

E
302
A24

Copyright, 1904
By G. P. PUTNAM'S SONS

The Knickerbocker Press, New York



TO

M. E. N.

PREFACE.

THE writings of no one of the leaders of the American Revolution form a more complete expression of the causes and justification of that movement than do those of Samuel Adams. None of his contemporaries was so closely identified with the agitation which preceded that crisis, or displayed at that time greater facility as a writer or more unqualified devotion to public affairs. In both the politics and the literature of the American Revolution his writings constitute a distinct and essential element. As a recognized leader in the politics of his native town, as a member and also as clerk of the Massachusetts House of Representatives, and later as a member of the Continental Congress, he was able to develop and to maintain a strong, and at times controlling, influence in the affairs of Massachusetts and of the new nation. By an active correspondence, by the preparation of many official documents, and by numberless newspaper articles, he was able to guide and to express the sentiment of the American provinces as they prepared for the struggle which divided the empire. Throughout that contest, and thereafter even in his declining years, Adams remained quite continuously in public life, and his later writings

reflect the influence which he still exerted.

Prudence as well as political necessity seems to have caused the early destruction of many of the papers of Adams. The dispersal of those which remained was more than once threatened, but a large number of these were finally lodged permanently in the Lenox Library, and there increased by accessions from other sources. In spite of the lapse of time, and the difficulties naturally incident to the initial collection of such material, there is now presented a substantially complete representation of the typical and effective literary work of Adams. Doubtless a few anonymous or official papers by him, the authorship of which is now indeterminate, are omitted, and the series of articles in the *Independent Advertiser*, which are attributed to Adams by Wells, but which constitute no part of his real life work, are excluded. A few unimportant letters are also excluded, and the existence of some obscure texts, now owned privately, will probably be brought to light by the appearance of this collection. The manuscripts contained in that portion of the Bancroft collection cited as "Samuel Adams Papers" are to a large extent drafts, as that printed on page 34, but their very substantial value is shown by the close similarity between the draft and the final document, as appears from the texts printed at pages 39 and 48.

The annotations indicating the text from which each document has been printed serve to show in detail the extent to which this collection has been made possible by the assistance of others. Through the courtesy of the Director of the "New York Public Library,

Astor, Lenox, and Tilden Foundations," the important collections in his charge, especially that formed by George Bancroft, have been made readily available. This portion of the work has been facilitated, in a marked degree, by the long-continued and helpful attention of Mr. Wilberforce Eames and his efficient assistants at the Lenox Library, to whom I am under an especial obligation. The privilege of using the valuable collections of the Adams family at Quincy, Massachusetts, has been promptly granted by Mr. Charles Francis Adams, and the opportunity has been enhanced by his personal interest and guidance. The Earl of Dartmouth has kindly permitted copies to be made of several letters in his collections, and Mr. John Boyd Thacher has likewise given assistance from his private collection. The unique printed and manuscript collections of the Massachusetts Historical Society, have proved of material value in connection with the work. The officers of the Historical Society of Pennsylvania and of the American Philosophical Society, at Philadelphia, have generously thrown open their collections, from each of which a number of important texts have been secured. By the kindness of the officers of the Connecticut Historical Society the Roger Wolcott and Oliver Wolcott papers, and also the large and unusually varied and interesting correspondence of Jeremiah Wadsworth, have been examined, although in none of them has been found any manuscript by Adams. Important texts have been secured from the manuscripts of the Boston Public Library, the rare newspaper files of which have also been freely used.

From his collection, now in the same library, the late Mellen Chamberlain contributed a number of texts. Certain manuscript and other materials in the Library of Harvard University have been examined, and the facilities of the Library of Columbia University have throughout the work been at my disposal. Assistance has been secured from public records, notably in the Archives Bureau of the State of Massachusetts. In the office of the City Clerk of Boston access has been granted to the town records and original town papers relating to the period of the Revolution. In the State Library of New York the Clinton Papers and a portion of the colonial manuscripts have been examined, and at the Department of State use has been made especially of the Papers of the Continental Congress. For all the privileges thus granted, and for assistance in other quarters, I am very grateful. I desire also to express my obligation to Professor Frank J. Goodnow, of Columbia University.

H. A. C.

April 26, 1904.

THE WRITINGS

OF

SAMUEL ADAMS

VOLUME I

1764–1769

PAGE

To Dennys De Berdt, December 20th . . . 61
Appointment as agent — Acts of Parliament — Trade and fisheries—Rights of colonists—Representation.

1766.

To the Town of Plymouth, March 24th . . . 71
Reply of the town of Boston.

To the Governor of Massachusetts, June 3d . . 74
Address of House of Representatives—Repeal of stamp act —Public sentiment—Elections.

To the Governor of Massachusetts, June 5th . . 83
Answer of the House of Representatives—Election of Councillors.

To Dennys De Berdt, October 22d 89
Address of town of Boston — Attitude of colonists — Disturbances.

To Dennys De Berdt, November 11th . . . 97
Compensation for injuries by rioters.

To Dennys De Berdt, November 15th . . . 99
Thomas Boylston—Compensation—Elections.

To Dennys De Berdt, December 2d 104
Compensation—Elections.

To Christopher Gadsden, December 11th . . . 108
Introductory—Acts of Parliament.

To Dennys De Berdt, December 16th . . . 111
Compensation—Provision for troops.

1767.

To Dennys De Berdt, March 16th 114
Letter of House of Representatives—Rights of the lieutenant-governor—The charter.

To Jasper Mauduit, March 18th 130
Letter of House of Representatives—Accounts as agent.

To Dennys De Berdt, May 9th 132
Acts of the representatives.

1768.

PAGE

To Dennys De Berdt, January 12th 134
Letter of the House of Representatives—Acts and powers of Parliament — Relation of colonists to king — Colonial regulations.

To the Earl of Shelburne, January 15th . . . 152
Letter of the House of Representatives—Rights of colonists —Acts of Parliament.

To the King, January 20th 162
Petition of the House of Representatives—The charter—Acts of Parliament.

To the Earl of Shelburne, January 22d . . . 166
Letter of the House of Representatives—Shelburne's correspondence with Bernard.

To the Marquis of Rockingham, January 22d . . 169
Letter of the House of Representatives—Administration of colonies—Acts of Parliament.

To Lord Camden, January 29th 173
Letter of the House of Representatives—Rights of colonists —Powers of Parliament.

To Dennys De Berdt, January 30th 177
Representation—Grant for services.

To the Earl of Chatham, February 2d . . . 180
Letter of the House of Representatives—Acts of Parliament.

To the Speakers of Other Houses of Representatives, February 11th 184
Circular letter of the House of Representatives—Taxation—Powers and acts of Parliament—Representation.

To Henry Seymour Conway, February 13th . . 189
Letter of the House of Representatives—Powers of Parliament—Rights of colonists—Representation.

To the Lords of the Treasury, February 17th . . 193
Letter of the House of Representatives—Powers and acts of Parliament—Representation.

To the Freeholders of Boston, March 14th . . 199
Petition—Arrears of taxes.

PAGE

Article Signed "A Puritan," April 4th . . . 201
Liberty and religion.

Article Signed "A Puritan," April 11th . . . 203
The religious situation.

Article Signed "A Puritan," April 18th . . . 208
The religious situation.

To Dennys De Berdt, April 20th 212
Enclosing journals.

To Dennys De Berdt, May 14th 213
Relations of representatives and governor—Commissioners of customs—Manufactures.

To the Earl of Hillsborough, June 30th . . . 219
Letter of the House of Representatives—Requisition to rescind the circular letter—Acts of Parliament—Relations with the Governor—Proceedings of the representatives.

To the Governor of Massachusetts, June 30th . . 229
Answer of the House of Representatives—The circular letter—Power of the governor.

Article Signed "Determinatus," August 8th . . 236
Public sentiment—Disturbances.

To Dennys De Berdt, September 27th 241
Letter of the convention of towns — Public sentiment — Reasons for discontent—Disturbances.

To Dennys De Berdt, October 3d 248
Arrival of troops.

Article, Unsigned, October 10th 249
Billeting act.

Article, Unsigned, October 17th 251
Military and civil power.

Article Signed "Candidus," December 5th . . 254
Commissioners of customs.

Article Signed "Vindex," December 5th . . . 255
Military power—Rights of subjects.

Article Signed "Candidus," December 12th . . 259
Commissioners of customs.

PAGE

Article Signed "Vindex," December 12th . . 264
Military power.

Article Signed "Candidus," December 19th . . 268
Commissioners of customs.

Article Signed "Vindex," December 19th . . 269
Standing armies—Powers of Parliament.

Article Signed "Vindex," December 26th . . 272
Standing armies—Prerogatives of the crown.

Article Signed "Candidus," December 26th . . 278
Commissioners of customs.

1769.

Article Signed "T. Z.," January 9th 282
Taxation—Stamp act.

Article Signed "Candidus," January 16th . . . 291
Commissioners of customs.

Article Signed "Shippen," January 30th . . . 297
Proceedings in Parliament—Disturbances in Boston—Stamp act—Trade.

Article, Unsigned, February 13th 306
Military power.

Article Signed "Candidus," February 13th . . 309
Commissioners of customs.

Article Signed "E. A.," February 27th . . . 316
Rights of subjects—Military power.

To the Freeholders of Boston, March 13th . . 319
Petition—Arrears of taxes.

Article Signed "A Layman," March 27th . . . 322
Reply to Dr. Seabury—Defence of Dr. Chauncy.

To Isaac Barre, April 8th 332
Letter of the town of Boston—Quartering of troops—Misrepresentations of Boston—Letters of Bernard.

Article Signed "A Bostonian," April 24th . . . 336
General Gage—Conditions in Boston.

PAGE

Article Signed "A Tory," May 1st 339
Baronetcy of Bernard.

Vote of Town of Boston, May 5th 340
Presence of troops.

To the Governor of Massachusetts, June 13th . . 342
Answer of the House of Representatives—Prerogatives of the king—Military power.

To the Governor of Massachusetts, June 19th . . 346
Letter of the House of Representatives—Standing army.

To the King, June 27th 349
Petition of the House of Representatives for the removal of Governor Bernard.

Answer of Governor Bernard to the Petition for his Removal 354

Notes on the Answer of the Governor . . . 368

To the Governor of Massachusetts, July 15th . . 371
Letter of the House of Representatives—Provision for troops —Tax legislation.

To Dennys De Berdt, July 31st 377
Remonstrance to king as to Bernard.

Article Signed "Populus," August 28th . . . 378
Non-importation agreement—Merchants.

Article Signed "An Impartialist," September 25th . 380
The assault on Otis.

Article Signed "Alfred," October 2d 386
Stamp act—Policy of Parliament—Trade.

"An Appeal to the World," October 16th . . . 396

To Dennys De Berdt, November 16th . . . 446
Employment of troops.

THE WRITINGS OF

SAMUEL ADAMS.

INSTRUCTIONS OF THE TOWN OF BOSTON TO ITS REPRESENTATIVES IN THE GENERAL COURT. MAY, 1764.[1]

[MS., Boston Public Library; a text appears in Boston Record Commissioners' Report, vol. 16, pp. 120–122.]

The Com^tee^ appointed ye 15 day of May to prepare Instructions for the Representatives report the following Draft.

To Royall Tyler James Otis Thomas Cushing & Oxenbridge Thacher Esq^rs^.

GENTLEMEN

Your being chosen by the Freeholders & Inhabitants of the Town of Boston to represent them in the General Assembly the ensuing year, affords you the strongest Testimony of that Confidence which they place in your Integrity & Capacity. By this Choice they have delegated to you the Power of acting in their publick Concerns in general as your own Prudence shall direct you; always reserving to

[1] The committee, which was appointed on May 15, 1764, and which reported these instructions on May 24, consisted of Richard Dana, Samuel Adams, John Ruddock, Nathaniel Bethune and Joseph Green.

themselves the constitutional Right of expressing their mind & giving you fresh Instruction upon particular Matters as they at any time shall judge proper.

We therefore your Constituents take this opportunity to declare our just Expectations from you.

That you will constantly use your Power & Influence in maintaining the invaluable Rights & Privileges of the Province, of which this Town is so great a Part: As well those Rights which are derivd to us by the royal Charter, as those which being prior to & independent on it, we hold essentially as free born Subjects of Great Brittain.

That you will endeavor as far as you shall be able to preserve that Independence in the House of Representatives, which characterizes a free People, & the want of which may in a great Measure prevent the happy Effects of a free Government: Cultivating as you shall have Opportunity that Harmony & Union there which is ever desirable to good men when founded in Principles of Virtue & publick Spirit; & guarding against any undue weight which may tend to disadjust that critical Ballance upon which our happy Constitution & the Blessings of it depend.

And for this Purpose we particularly recommend it to you to use your Endeavors to have a Law passed whereby the Seats of such Gentlemen as shall accept of Posts of Profit from the Crown or the Governor while they are Members of the House shall be vacated, agreeable to an Act of the Brittish Parliament, till their Constituents shall have the Opportunity of re-electing them if they please or of returning others in their room.

Being Members of the Legislative Body you will

have a special Regard to the Morals of this People, which are the Basis of publick Happiness; & endeavor to have such Laws made if any are still wanting as shall be best adapted to secure them: and [we particularly desire you carefully to look into the Laws of Excise, that if the Virtue of the People is endangerd by the Multiplicity of Oaths therein enjoynd or their Trade & Business is unreasonably impeded or embarrassd thereby, the Grievance may be redressd.]

As the Preservation of Morals as well as Property & Right, so much depends upon the impartial Distribution of Justice, agreable to good & wholesom Law: and as the Judges of the Land do depend upon the free Grants of the General Assembly for Support; It is incumbent upon you at all times to give your Voice for their honorable Maintenance so long as they, having in their minds an Indifference to all other Affairs, shall devote themselves wholly to the Duties of their own Department, and the further Study of the Law, by which their Customs Precedents Proceedings & Determinations are adjusted & limited.

* You will joyn in any Proposals which may be made for the better cultivating the Lands & improving the Husbandry of the Province: [And as you represent a Town which lives by its Trade we expect in a very particular Manner that you make it the Object of your Attention, to support our Commerce in all its just Rights, to vindicate it from all unreasonable Impositions & promote its Prosperity — Our Trade has for a long time labord under great Discouragements; & it is with the deepest Concern that we see such

further Difficultys coming upon it as will reduce it to the lowest Ebb, if not totally obstruct & ruin it. We cannot help expressing our Surprize, that when so early Notice was given by the Agent of the Intentions of the Ministry to burthen us with new Taxes, so little Regard was had to this most interesting Matter, that the Court was not even called together to consult about it till the latter end of y^e^ Year; the Consequence of which was, that Instructions could not be sent to the Agent, tho sollicited by him, till the Evil had got beyond an easy Remedy. There is now no Room for further Delay: We therefore expect that you will use your earliest Endeavors in the Gen^l^ Assembly, that such Methods may be taken as will effectually prevent these Proceedings against us. By a proper Representation we apprehend it may easily be made to appear that such Severitys will prove detrimental to Great Brittain itself; upon which Account we have Reason to hope that an Application, even for a Repeal of the Act, should it be already passd, will be successfull. It is the Trade of the Colonys, that renders them beneficial to the Mother Country: Our Trade, as it is now, & always has been conducted, centers in Great Brittain, & in Return for her Manufactures affords her more ready Cash, beyond any Comparison, than can possibly be expected by the most sanguine Promoters of these extraordinary Methods. We are in short ultimately yielding large Supplys to the Revenues of the Mother Country, while we are laboring for a very moderate Subsistence for ourselves. But if our Trade is to be curtaild in its most profitable Branches, & Burdens beyond all

possible Bearing, laid upon that which is sufferd to remain, we shall be so far from being able to take off the manufactures of Great Brittain, that it will be scarce possible for us to earn our Bread.—But what still heightens our apprehensions is, that these unexpected Proceedings may be preparatory to new Taxations upon us: For if our Trade may be taxed why not our Lands? Why not the Produce of our Lands & every thing we possess or make use of? This we apprehend annihilates our Charter Right to govern & tax ourselves—It strikes at our Brittish Privileges, which as we have never forfeited them, we hold in common with our Fellow Subjects who are Natives of Brittain: If Taxes are laid upon us in any shape without our having a legal Representation where they are laid, are we not reducd from the Character of free Subjects to the miserable State of tributary Slaves?

We therefore earnestly recommend it to you to use your utmost Endeavors, to obtain in the Gen^{l} Assembly all necessary Instructions & Advice to our Agent at this most critical (Juncture); that while he is setting forth the unshaken Loyalty of this Province & this Town—its unrivald Exertions in supporting His Majestys Governm^{t} & Rights in this part of his Dominions—its acknowlegd Dependence upon & Subordination to Great Brittain, & the ready Submission of its Merchants to all just & necessary Regulations of Trade, he may be able in the most humble & pressing Manner to remonstrate for us all those Rights & Privileges which justly belong to us either by Charter or Birth.

As His Majestys other Nothern American Colonys

are embarkd with us in this most important Bottom, we further desire you to use your Endeavors, that their Weight may be added to that of this Province: that by the united Applications of all who are aggrievd, All may happily obtain Redress——

"You will remember that this Province hath been at a very great Expence in carrying on the late War; & that it still lies under a very grievous Burden of Debt: You will therefore use your utmost Endeavor to promote publick Frugality as one Means to lessen the publick Debt. And we recommend as worthy your particular Attention, whether Any Expence can now be necessary to maintain the Garrison Service on our Eastern Frontier: considering that we are now in a State of profound Peace; Our french Enemies being totally subdued; & there being hardly any Remains of the Indian Tribes, ever again to annoy us——"

All which is submited &c.

By order of y^e^ Com^tee^

Ri^c^ Dana.

The Com^tee^ do further report the following Votes. Whereas it hath pleased Almighty God to permit the Small Pox to prevail in this Town, whereby the Inhabitants have been great Sufferers, as well by the Extraordinary Expence it hath occasiond, as by Loss of Business; therefore voted that the Representatives be desired in behalf of the Town ~~Assembly~~ humbly to move that the Gen^l^ Assembly would afford us such Reliefe under our Distress as they in their great Goodness shall think proper.

Whereas it is conceivd that the Selectmen of the Town are not sufficiently impowerd by the Laws already in being, to take such Steps as may be necessary to prevent the Inhabitants of other Towns from bringing & spreading Infectious Distempers among us; therefore voted that the Representatives be desired to use their Endeavors to obtain such additional Power to be given to the Selectmen as the General Assembly in their wisdom shall think proper to invest them with——

The above Report having been read several Times, and debate had thereon — the Question was put, Whether the Town will accept of said Draft of Instructions—Passed in the affirmative.

The above Report having been read—the Question was put—Whether the Town will accept thereof—Passed in the affirmative.

INSTRUCTIONS OF THE TOWN OF BOSTON TO ITS REPRESENTATIVES IN THE GENERAL COURT. SEPTEMBER, 1765.[1]

[MS., Office of the City Clerk of Boston; a modified text is given in Boston Record Commissioners' Report, vol. 16, pp. 155, 156; a text, as supplied by William Cooper, Town Clerk, was printed in the *Boston Gazette*, September 23, 1765.]

To the Hon^{be} James Otis Esq^{r}, Tho^{s} Cushing Esq^{r} & M^{r} Tho^{s} Gray.

GENT^{N}

At a Time when the British American Subjects are every where loudly complaining of arbitrary &

[1] The committee, which was appointed on September 12, 1765, and which reported these instructions on September 18, consisted of Samuel Wells,

unconstitutional Innovations, the Town of Boston cannot any longer remain silent, ~~without just Imputation~~ of inexcuseable Neglect. — We therefore the Freeholders & other Inhabitants, being legally assembled in Faneuil Hall, to consider what Steps are necessary for us to take at this alarming Crisis, think it proper to communicate to you our united Sentiments, & to give you our Instruction thereupon.

It fills us with very great Concern to find, that Measures have been adopted by the British Ministry, & Acts of Parliament made, which press hard upon our invalueable Rights & Libertys, & tend greatly to distress the Trade of the Province by which we have heretofore been able to contribute so large a Share towards the enriching of the Mother Country.

But we are more particularly alarmd & astonishd at the Act, called the Stamp Act, by which a very grievous & we apprehend unconstitutional Tax is to be laid upon the Colony.

[By the Royal Charter granted to our Ancestors, the Power of making Laws for our internal Government, & of levying Taxes, is vested in the General Assembly: And by the same Charter the Inhabitants of this Province are entitled to all the Rights & Privileges of natural free born Subjects of Great Britain: The most essential Rights of British Subjects are those of being represented in the same Body which exercises the Power of levying Taxes upon them, &

Richard Dana, John Rowe, Samuel Adams, John Erving, Jr., Joseph Green and John Ruddock. A portion of the next to the last paragraph of their report, parenthesized in the manuscript text, seems not to have been adopted.

of having their Property tryed by Jurys: These are the very Pillars of the British Constitution founded in the common Rights of Mankind. It is certain that we were in no Sense represented in the Parliament of Great Britain when this Act of Taxation was made: And it is also certain that this Law admitts of our Propertys being tryd, in Controversys arising from internal Concerns, by Courts of Admiralty, without a Jury. It follows, that at once, it annihilates the most valueable Privileges of our Charter, deprives us of the most essential Rights of Britons, & greatly weakens the best Security of our Lives Libertys & Estates; which may hereafter be at the Disposal of Judges, who may be Strangers to us, & perhaps malicious, mercenary, corrupt & oppressive.

But admiting that we had no Complaints of this Nature, we should still have Reason to except against the *Inequality* of these Taxes: It is well known that the People of this Province have not only settled this Country, but enlargd & defended the British Dominion in America, with a vast Expence of Treasure & Blood: They have exerted themselves in the most distinguished Services for their King; by which they have often been reducd to the greatest Distress: And in the late War more especially, by their surprizing Exertions, they have bro't upon themselves, a Debt almost insupportable: And we are well assured, that if these expensive Services, for which very little if any Advantage hath ever accrued to themselves, together with the necessary Charge of supporting & defending his Majestys Government here, had been duly estimated, The Moneys designd to be drawn

themselves the constitutional Right of expressing their mind & giving you fresh Instruction upon particular Matters as they at any time shall judge proper.

We therefore your Constituents take this opportunity to declare our just Expectations from you.

That you will constantly use your Power & Influence in maintaining the invaluable Rights & Privileges of the Province, of which this Town is so great a Part: As well those Rights which are derivd to us by the royal Charter, as those which being prior to & independent on it, we hold essentially as free born Subjects of Great Brittain.

That you will endeavor as far as you shall be able to preserve that Independence in the House of Representatives, which characterizes a free People, & the want of which may in a great Measure prevent the happy Effects of a free Government: Cultivating as you shall have Opportunity that Harmony & Union there which is ever desirable to good men when founded in Principles of Virtue & publick Spirit; & guarding against any undue weight which may tend to disadjust that critical Ballance upon which our happy Constitution & the Blessings of it depend. And for this Purpose we particularly recommend it to you to use your Endeavors to have a Law passed whereby the Seats of such Gentlemen as shall accept of Posts of Profit from the Crown or the Governor while they are Members of the House shall be vacated, agreeable to an Act of the Brittish Parliament, till their Constituents shall have the Opportunity of re-electing them if they please or of returning others in their room.

Being Members of the Legislative Body, you will

have a special Regard to the Morals of this People, which are the Basis of publick Happiness; & endeavor to have such Laws made if any are still wanting as shall be best adapted to secure them: and [we particularly desire you carefully to look into the Laws of Excise, that if the Virtue of the People is endangerd by the Multiplicity of Oaths therein enjoynd or their Trade & Business is unreasonably impeded or embarrassd thereby, the Grievance may be redressd.]

As the Preservation of Morals as well as Property & Right, so much depends upon the impartial Distribution of Justice, agreable to good & wholesom Law: and as the Judges of the Land do depend upon the free Grants of the General Assembly for Support; It is incumbent upon you at all times to give your Voice for their honorable Maintenance so long as they, having in their minds an Indifference to all other Affairs, shall devote themselves wholly to the Duties of their own Department, and the further Study of the Law, by which their Customs Precedents Proceedings & Determinations are adjusted & limited.

* You will joyn in any Proposals which may be made for the better cultivating the Lands & improving the Husbandry of the Province: [And as you represent a Town which lives by its Trade we expect in a very particular Manner that you make it the Object of your Attention, to support our Commerce in all its just Rights, to vindicate it from all unreasonable Impositions & promote its Prosperity — Our Trade has for a long time labord under great Discouragements; & it is with the deepest Concern that we see such

further Difficultys coming upon it as will reduce it to the lowest Ebb, if not totally obstruct & ruin it. We cannot help expressing our Surprize, that when so early Notice was given by the Agent of the Intentions of the Ministry to burthen us with new Taxes, so little Regard was had to this most interesting Matter, that the Court was not even called together to consult about it till the latter end of y^e^ Year; the Consequence of which was, that Instructions could not be sent to the Agent, tho sollicited by him, till the Evil had got beyond an easy Remedy. There is now no Room for further Delay: We therefore expect that you will use your earliest Endeavors in the Gen^l^ Assembly, that such Methods may be taken as will effectually prevent these Proceedings against us. By a proper Representation we apprehend it may easily be made to appear that such Severitys will prove detrimental to Great Brittain itself; upon which Account we have Reason to hope that an Application, even for a Repeal of the Act, should it be already passd, will be successfull. It is the Trade of the Colonys, that renders them beneficial to the Mother Country: Our Trade, as it is now, & always has been conducted, centers in Great Brittain, & in Return for her Manufactures affords her more ready Cash, beyond any Comparison, than can possibly be expected by the most sanguine Promoters of these extraordinary Methods. We are in short ultimately yielding large Supplys to the Revenues of the Mother Country, while we are laboring for a very moderate Subsistence for ourselves. But if our Trade is to be curtaild in its most profitable Branches, & Burdens beyond all

ancient & loyal Province of the Massachusetts Bay, for their noble, generous & truly patriotic Speeches, at the last Session of Parliament, in favor of the Colonys, their Rights & Privileges: And that correct Copys of the same be desired, that they may be reposited, among our most precious Archives. Also voted that those Gentlemens Pictures as soon as they can be obtaind, be placd in Faneuil Hall, as a standing monument, to all Posterity, of the Virtue & Justice of our Benefactors, & a lasting Proof of our Gratitude.

ANSWER OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR'S SPEECH. OCTOBER 23, 1765.[1]

[Massachusetts State Papers, pp. 43-48.][2]

May it please your Excellency,

The House of Representatives have entered into a due consideration of your speech to both houses at the opening of this session; and should have earlier communicated to your Excellency our sentiments thereupon, had not the late sudden and unexpected adjournment prevented it.

We must confess, that after your Excellency had called us together in pursuance of the unanimous advice of a very full Council, we were in hopes you would have given the assembly time then to have considered the critical state of the province, and

[1] Ascribed by Hutchinson, Bancroft and Wells to Samuel Adams, and by Otis to John Adams.

[2] By this running title will be cited "Speeches of the Governors of Massachusetts, from 1765 to 1775, ... , Boston, 1818."

are embarkd with us in this most important Bottom, we further desire you to use your Endeavors, that their Weight may be added to that of this Province: that by the united Applications of all who are aggrievd, All may happily obtain Redress——

* You will remember that this Province hath been at a very great Expence in carrying on the late War; & that it still lies under a very grievous Burden of Debt: You will therefore use your utmost Endeavor to promote publick Frugality as one Means to lessen the publick Debt. And we recommend as worthy your particular Attention, whether Any Expence can now be necessary to maintain the Garrison Service on our Eastern Frontier: considering that we are now in a State of profound Peace; Our french Enemies being totally subdued; & there being hardly any Remains of the Indian Tribes, ever again to annoy us——

All which is submited &c.

By order of y^e^ Com^tee^

Ri^c^ Dana.

The Com^tee^ do further report the following Votes. Whereas it hath pleased Almighty God to permit the Small Pox to prevail in this Town, whereby the Inhabitants have been great Sufferers, as well by the Extraordinary Expence it hath occasiond, as by Loss of Business; therefore voted that the Representatives be desired in behalf of the Town ~~Assembly~~ Thursday to move that the Gen^l^ Assembly would afford us such Reliefe under our Distress as they in their great Goodness shall think proper.

Whereas it is conceivd that the Selectmen of the Town are not sufficiently impowerd by the Laws already in being, to take such Steps as may be necessary to prevent the Inhabitants of other Towns from bringing & spreading Infectious Distempers among us; therefore voted that the Representatives be desired to use their Endeavors to obtain such additional Power to be given to the Selectmen as the General Assembly in their wisdom shall think proper to invest them with——

The above Report having been read several Times, and debate had thereon — the Question was put, Whether the Town will accept of said Draft of Instructions—Passed in the affirmative.

The above Report having been read—the Question was put—Whether the Town will accept thereof—Passed in the affirmative.

INSTRUCTIONS OF THE TOWN OF BOSTON TO ITS REPRESENTATIVES IN THE GENERAL COURT. SEPTEMBER, 1765.[1]

[MS., Office of the City Clerk of Boston; a modified text is given in Boston Record Commissioners' Report, vol. 16, pp. 155, 156; a text, as supplied by William Cooper, Town Clerk, was printed in the *Boston Gazette*, September 23, 1765.]

To the Hon^be^ James Otis Esq^r^, Tho^s^ Cushing Esq^r^ & M^r^ Tho^s^ Gray.

GENT^N^

At a Time when the British American Subjects are every where loudly complaining of arbitrary &

[1] The committee, which was appointed on September 12, 1765, and which reported these instructions on September 18, consisted of Samuel Wells,

matters are exempt from stamps. The persons of his Majesty's good subjects will still remain secure from injury. That spirit which your Excellency tells us attacks reputations and pulls down houses, will yet be curbed by the law. The estates of the people will remain guarded from theft or open violence. There will be no danger of force of arms becoming the only governing power. Nor shall we realize what your Excellency is pleased to call a state of general outlawry. This we think necessary to be observed, without a particular consideration of all the consequences which your Excellency fears, to prevent, if possible, any wrong impressions from fixing in the minds of ill disposed persons, or remove them if already fixed.

You are pleased to say, that the stamp act is an act of Parliament, and as such ought to be observed. This House, sir, has too great a reverence for the supreme legislature of the nation, to question its just authority: It by no means appertains to us to presume to adjust the boundaries of the power of Parliament; but boundaries there undoubtedly are. We hope we may without offence, put your Excellency in mind of that most grievous sentence of excommunication, solemnly denounced by the church, in the name of the sacred trinity, in the presence of King Henry the Third, and the estates of the realm, against all those who should make statutes, or observe them, being made contrary to the liberties of the Magna Charta. We are ready to think that those zealous advocates for the constitution usually compared their acts of Parliament with Magna Charta; and if it ever

happened that such acts were made as infringed upon the rights of that charter, they were always repealed. We have the same confidence in the rectitude of the present Parliament; and therefore cannot but be surprized at an intimation in your speech, that they will require a submission to an act as a preliminary to their granting relief from the unconstitutional burdens of it; which we apprehend includes a suggestion in it far from your Excellency's design, and supposes such a wanton exercise of mere arbitrary power, as ought never to be surmised of the patrons of liberty and justice.

Furthermore, your Excellency tells us that the right of the Parliament to make laws for the American colonies remains indisputable in Westminster. Without contending this point, we beg leave just to observe that the charter of the province invests the General Assembly with the power of making laws for its internal government and taxation; and that this charter has never yet been forfeited. The Parliament has a right to make all laws within the limits of their own constitution; they claim no more. Your Excellency will acknowledge that there are certain original inherent rights belonging to the people, which the Parliament itself cannot divest them of, consistent with their own constitution: among these is the right of representation in the same body which exercises the power of taxation. There is a necessity that the subjects of America should exercise this power within themselves, otherwise they can have no share in that most essential right, for they are not represented in Parliament, and indeed we think it impracticable.

Your Excellency's assertion leads us to think that you are of a different mind with regard to this very material point, and that you suppose we are represented; but the sense of the nation itself seems always to have been otherwise. The right of the colonies to make their own laws and tax themselves has been never, that we know of, questioned; but has been constantly recognized by the King and Parliament. The very supposition that the Parliament, through the supreme power over the subjects of Britain universally, should yet conceive of a despotic power within themselves, would be most disrespectful; and we leave it to your Excellency's consideration, whether to suppose an indisputable right in any government, to tax the subjects without their consent, does not include the idea of such a power.

May it please your Excellency,

Our duty to the King, who holds the rights of all his subjects sacred as his own prerogative; and our love to our constituents and concern for their dearest interests, constrain us to be explicit upon this very important occasion. We beg that your Excellency would consider the people of this province as having the strongest affection for his Majesty, under whose happy government they have felt all the blessings of liberty; They have a warm sense of honor, freedom and independence of the subjects of a patriot King: they have a just value for those inestimable rights which are derived to all men from nature, and are happily interwoven in the British constitution. They esteem it sacrilege for them ever to give them up;

and rather than lose them, they would willingly part with every thing else. We deeply regret it, that the Parliament has seen fit to pass such an act as the stamp act: we flatter ourselves that the hardships of it will shortly appear to them in such a point of light as shall induce them in their wisdom to repeal it: In the meantime we must beg your Excellency to excuse us from doing any thing to assist in the execution of it: Were we, in order to avoid assertions, to resolve what we have to say on this head into mere questions, we should with all humility ask, whether it would be possible for us to add any weight to an act of that most august body the Parliament? whether it would not be construed as arrogance and presumption in us to attempt it? whether your Excellency can reasonably expect that the House of Representatives should be active in bringing a grievous burden upon their constituents? Such a conduct in us would be to oppose the sentiments of the people whom we represent, and the declared instruction of most of them. They complain that some of the most essential rights of Magna Charta, to which as British subjects they have an undoubted claim, are injured by it: that it wholly cancels the very conditions upon which our ancestors settled this country, and enlarged his Majesty's dominions, with much toil and blood, and at their sole expense: that it is totally subversive of the happiest frame of subordinate, civil government, expressed in our charter, which amply secures to the Crown our allegiance, to the nation our connection, and to ourselves the indefeasible rights of Britons: that it tends to destroy that mutual confidence and

affection, as well as that equality which ought ever to subsist among all his Majesty's subjects in his wide and extended empire: that it may be made use of as a precedent for their fellow subjects in Britain for the future, to demand of them what part of their estates they shall think proper, and the whole if they please: that it invests a single judge of the admiralty, with a power to try and determine their property in controversies arising from internal concerns, without a jury, contrary to the very expression of Magna Charta; that no freeman shall be amerced, but by the oath of good and lawful men of the vicinage: that it even puts it in the power of an informer to carry a supposed offender more than two thousand miles for trial; and what is the worst of all evils, if his Majesty's American subjects are not to be governed, according to the known stated rules of the constitution, as those in Britain are, it is greatly to be feared that their minds may in time become disaffected; which we cannot even entertain the most distant thought of without the greatest abhorrence. We are truly sorry that your Excellency has never made it a part of your business to form any judgment of this act; especially as you have long known what uneasiness the most distant prospect of it gave to his Majesty's good subjects in America, and of this province, of which you are substituted to be the head and father. Had your Excellency thought it proper to have seasonably entered into a disquisition of the policy of it, you would, we doubt not, have seen that the people's fears were not without good foundation; and the love and concern which you profess to have for them, as well as

your duty to his Majesty, whose faithful subjects they are, might have been the most powerful motives to your Excellency to have expressed your sentiments of it early enough to those whose influence brought it into being.

We cannot help expressing our great uneasiness, that after mentioning some violences committed in the town of Boston, your Excellency should ask this House whether such proceedings are consistent with the dutiful, humble and loyal representations which we propose should be made. We are sure your Excellency will not expressly charge us with encouraging the late disturbances; and yet to our unspeakable surprise and astonishment, we cannot but see, that by fair implication it may be argued from the manner of expression, that an odium was intended to be thrown on the province. We inherit from our ancestors the highest relish for civil liberty; but we hope never to see the time when it shall be expedient to countenance any methods for its preservation but such as are legal and regular. When our sacred rights are infringed, we feel the grievance, but we understand the nature of our happy constitution too well, and entertain too high an opinion of the virtue and justice of the supreme legislature, to encourage any means of redressing it, but what are justifiable by the constitution. We must therefore consider it as unkind for your Excellency to cast such a reflection on a province whose unshaken loyalty and indissoluble attachment to his Majesty's most sacred person and government was never before called in question, and we hope in God, never will again. We should rather

have thought your Excellency would have expressed your satisfaction in presiding over so loyal a people, who in that part of the government where the violences were committed, before there was time for them to be supported by the arm of civil power, and even while the supreme magistrate was absent, by their own motion raised a spirit and diffused it through all ranks, successfully to interpose and put a stop to such dangerous proceedings.

Your Excellency is pleased to recommend a compensation to be made to the sufferers by the late disturbances. We highly disapprove of the acts of violence which have been committed; yet till we are convinced that to comply with what your Excellency recommends, will not tend to encourage such outrages in time to come, and till some good reason can be assigned why the losses those gentlemen have sustained should be made good, rather than any damage which other persons, on any other different occasions, might happen to suffer, we are persuaded we shall not see our way clear to order such a compensation to be made. We are greatly at a loss to know who has any right to require this of us, if we should differ from your Excellency in point of its being an act of justice, which concerns the credit of the government. We cannot conceive why it should be called an act of justice, rather than generosity, unless your Excellency supposes a crime committed by a few individuals, chargeable upon a whole community.

We are very sorry that your Excellency should think it needful to intimate that any endeavors have been, and may be used, to lessen your credit with this

House. Your Excellency cannot but be sensible that when the popular pulse beats high for privileges, it is no unusual thing for a clamor to be raised against gentlemen of character and eminence. We can assure you that our judgment of men, especially those in high stations, is always founded upon our experience and observation. While your Excellency is pleased to make your duty to our most gracious Sovereign, and a tender regard to the interest of his subjects of this province, the rule of your administration, you may rely upon the readiest assistance that this house shall be able to afford you. And you will have our best wishes that you may have wisdom to strike out such a path of conduct, as, while it secures to you the smiles of your Royal Master, will at the same time conciliate the love of a free and loyal people.

RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS. OCTOBER 29, 1765.

[W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 75–77.]

Whereas the just rights of his Majesty's subjects of this Province, derived to them from the British Constitution, as well as the royal charter, have been lately drawn into question: in order to ascertain the same, this House do unanimously come into the following resolves:—

1. *Resolved*, That there are certain essential rights of the British Constitution of government, which are founded in the law of God and nature, and are the common rights of mankind;—therefore,

2. *Resolved*, That the inhabitants of this Province are unalienably entitled to those essential rights in common with all men: and that no law of society can, consistent with the law of God and nature, divest them of those rights.

3. *Resolved*, That no man can justly take the property of another without his consent; and that upon this original principle, the right of representation in the same body which exercises the power of making laws for levying taxes, which is one of the main pillars of the British Constitution, is evidently founded.

4. *Resolved*, That this inherent right, together with all other essential rights, liberties, privileges, and immunities of the people of Great Britain, have been fully confirmed to them by Magna Charta, and by former and by later acts of Parliament.

5. *Resolved*, That his Majesty's subjects in America are, in reason and common sense, entitled to the same extent of liberty with his Majesty's subjects in Britain.

6. *Resolved*, That by the declaration of the royal charter of this Province, the inhabitants are entitled to all the rights, liberties, and immunities of free and natural subjects of Great Britain to all intents, purposes, and constructions whatever.

7. *Resolved*, That the inhabitants of this Province appear to be entitled to all the rights aforementioned by an act of Parliament, 13th of Geo. II.

8. *Resolved*, That those rights do belong to the inhabitants of this Province upon the principle of common justice; their ancestors having settled this

country at their sole expense, and their posterity having approved themselves most loyal and faithful subjects of Great Britain.

9. *Resolved*, That every individual in the Colonies is as advantageous to Great Britain as if he were in Great Britain and held to pay his full proportion of taxes there; and as the inhabitants of this Province pay their full proportion of taxes for the support of his Majesty's government here, it is unreasonable for them to be called upon to pay any part of the charges of the government there.

10. *Resolved*, That the inhabitants of this Province are not, and never have been, represented in the Parliament of Great Britain; and that such a representation there as the subjects in Britain do actually and rightfully enjoy *is impracticable* for the subjects in America;—and further, that in the opinion of this House, the several subordinate powers of legislation in America were constituted upon the apprehensions of this *impracticability*.

11. *Resolved*, That the only method whereby the constitutional rights of the subjects of this Province can be secure, consistent with a subordination to the supreme power of Great Britain, is by the continued exercise of such powers of government as are granted in the royal charter, and a firm adherence to the privileges of the same.

12. *Resolved*,—as a just conclusion from some of the foregoing resolves,—That all acts made by any power whatever, other than the General Assembly of this Province, imposing taxes on the inhabitants, are infringements of our inherent and unalienable rights

as men and British subjects, and render void the most valuable declarations of our charter.

13. *Resolved*, That the extension of the powers of the Court of Admiralty within this Province is a most violent infraction of the right of trials by juries, — a right which this House, upon the principles of their British ancestors, hold most dear and sacred; it being the only security of the lives, liberties, and properties of his Majesty's subjects here.

14. *Resolved*, That this House owe the strictest allegiance to his most sacred Majesty King George the Third; that they have the greatest veneration for the Parliament; and that they will, after the example of all their predecessors from the settlement of this country, exert themselves to their utmost in supporting his Majesty's authority in the Province, in promoting the true happiness of his subjects, and in enlarging the extent of his dominion.

Ordered, That all the foregoing resolves be kept in the records of this House, that a just sense of liberty and the firm sentiments of loyalty be transmitted to posterity.

TO REVEREND G—— W——.

[MS., Collections of the Earl of Dartmouth.]

BOSTON Nov^{r} 11 1765

REV^{D} SIR

Our good Friend M^{r} Jonathan Mason has communicated to us a Letter which he receivd from you, wherein you very kindly express yo^{r} Regard, for the People of New England, & your Desires to serve our civil as well as religious Interests—

We need not inform you that we are the Descendents of Ancestors remarkeable for their Zeal for true Religion & Liberty: When they found it was no longer possible for them to bear any Part in the Support of this glorious Cause in their Native Country England, they transplanted themselves at their own very great Expence, into the Wilds of America, till that Time inhabited only by Savage Beasts & Men: Here they resolvd to set up the Worship of God, according to their best Judgment, upon the Plan of the new Testament; to maintain it among themselves, and transmit it to their Posterity; & to spread the knowledge of Jesus Christ among the ignorant & barbarous Natives. As they were prosperd, in their Settlement by *Him*, whose is the Earth & the Fullness thereof, beyond all human Expectation, they soon became a considerable Object of National Attention, & a Charter was granted them by King Charles the first.—In this Charter, as Bp. Burnet has observd, there was a greater Sacredness, than in those of the Corporations in England: because Those were only Acts of Grace, whereas This was a *Contract*, between the King & the first Patentees; They promisd the King to enlarge his Dominion, on their own Charge, provided that They & their Posterity might enjoy such & such Privileges. He adds, that They have performd their Part, & for the King to deprive their Posterity of the Privileges, therein granted, would carry the Face of Injustice in it. Thus we see that Whatever Governm[t] in general may be founded in, Ours was manifestly founded in *Compact*. Of this Charter we were however deprivd,

in an evil Reign, under Color of Law, but we obtaind Another, in Lieu of it, after the Revolution, tho compard with the former, it is but as the Shadow of the Substance, & we enjoy it at this day.

[We may venture to say, that His Majesty has no Subjects, more loyall, than those of New England: They have always been ready to own the Subordination of their Governm[t] to the supreme Legislature of Great Britain; This Subordination is expressd in the Charter, which perhaps might be strictly considerd, as the only Medium of their political Connection with the Mother State: For, As their Ancestors emigrated at their own Expence, & not the Nations; As it was their own & not a National Act; so they came to & settled a Country which the Nation had no Sort of Right in: Hence there might have been a Claim of Independency, which no People on Earth, could have any just Authority or Pretence to have molested. But their strong & natural Attachment to their Native Country inclind them to have their political Relation with her continued; They were recognizd by her, & they & their Posterity, are expressly declard in their Charter to be entitled, to all the Libertys & Immunitys of free & natural Subjects of Great Britain, to all Intents Purposes & Constructions whatever: So that this Charter is to be lookd upon, to be as sacred to them as Magna Charta is to the People of Britain; as it contains a Declaration of all their Rights founded in natural Justice.

By this Charter, we have an exclusive Right to make Laws for our own internal Government & Taxation; And indeed if the Inhabitants here are British

Subjects, (& they never can brook to be thought any thing less) it seems necessary that they should exercise this Power within themselves; for they are not represented in the British Parliam[t] & their great Distance renders it impracticable: It is very probable that all the subordinate legislative Powers in America, were constituted upon the Apprehension of this Impracticability: To deprive them then of this Power, which would be effectually done, if the Parliament should make Laws internally to govern & tax them, w[d] appear to be unjust in Another View, as it would claim the Obedience from them, & at the same time disfranchize them of a most essential Right of British Subjects, namely that of a Representation. But to obviate all Apprehensions of our Independency, which some Party Writers in England have attempted to raise, let it be considerd, What Checks our Power of Legislation is subject to. Our Laws must first pass his Majestys Council, who tho elected by the People may be negativd by the Chair; next they must have the Assent of the Governor, before they can be in force; & finally they are to be laid before His Majesty, who in any time during three years may disannul them at his Royal Will & Pleasure; by which means Any thing repugnant to the Laws or the Interest of Great Britain will easily be prevented.—Surely the People in Britain have no Reason to envy their fellow Subjects in America these restricted Powers of Government.

And yet, to the Astonishment of the most thoughtfull & judicious among the Colonists, an Act of Parliament has lately been made, which in Effect

vacates their Charters, annihilates their harmless Powers of Legislation, & leaves them not upon the Footing of Subjects. We now have reference to the Stamp Act, which has already involvd the Colonys in Confusion & Distress. This Act is lookd upon as an Infringment of the rights of Magna Charta, to which the Colonists as free Subjects have an undoubted Claim. There is nothing more certain than that every English Subject, has a Right to be represented in the same Body which exercises the Power of levying Taxes: Now this Act lays an *internal* Tax upon many Thousand Freeholders, who are not & cannot be represented in Parliament. It has been alledgd by some Writers in England, that we are, as they are pleasd to call it, *Virtually* represented; a Term which almost always when it is used, needs Explanation—They tell us, that Manchester, Birmingham &c, send no Representatives & yet are taxed: But Have not those Towns, a Right by the Constitution to send Representatives? Or, if they have wavd this Right, Are they not still represented in the Shires or Countys to which they belong? Are not their internal Circumstances similar to those of many Towns which are represented? Are they not within the Kingdom, & may not their internal Circumstances be easily ascertaind to the Parliam[t] if they should be mistaken? But Americans are at a Thousand Leagues Distance, seperated from Great Britain by the wide Atlantic; & their proportionate Ability with the Nation, which must be taken, from an exact knowledge of their internal Circumstances, ever varying in infant Countrys, can no more be judgd of by

any Member of Parliam[t] than if they livd in the Moon —Besides it is the Glory of the Subjects of a British King, that they grant him their utmost Aid, of their own free Accord: The Colonys have always thus contributed to the Extent & some of them even beyond their Abilitys, but if we are to be calld upon by our Fellow Subjects in Britain, who cannot be adequate Judges of our Ability, where is either our Honor or Safety, as Subjects!

This Act will be very grievous in its Effect, as it will very soon carry off the whole Quantity of Specie in the Continent: Money is the very Support of Trade; & if the Trade of the Colonys is beneficial to Great Britain, She must herself very soon feel the ill Effects of a Measure, w[ch] will consume the very Vitals of that Trade. Great Britain, can make her Colonys usefull to her, by no more effectual Means than by encouraging their Trade: Our Dependence is altogether upon her Manufactorers, for many of the necessary Articles of Life; & it is Trade only that can furnish us with the Means of purchasing them: It is certainly then more for the Interest of Great Britain to encourage the Trade of the Colonys, by which means their Riches flow spontaneously into her Lap, than to exact Revenues from them at the Expence of their Trade. Upon this Account we cannot help mentioning Another Act of Parliam[t], which appears to us greatly detrimental both to Britain & her Colonys: The Duty laid by that Act of 3[d] p Gall[n] on Molasses is insupportable: The trade to the West Indies cannot be carried on with any Profit; & if that should be stopd, one Third Part at least of the

Fish that is catchd, being fit for no other Market, will be good for nothing; & this Loss upon the Fishing will totally ruin it; The Effects of which must be, that Remittances to Spain Portugal & other Parts of Europe thro' which Money circulates into England, for the Purchase of her Goods of all kinds, must cease; and imagine, Sir, What a Prejudice this must be to Great Britain, to prevent so many Thousand from dayly consuming her Manufactures for the future. In short the Connection of the Colonys with the Mother Country, their Affection for her, & even their Dependence upon her is kept up in a very great Measure by their Trade with her; TheParent then in this one Instance should be carefull not to teach the Children to live without her.

But consider Sir that Taxes & Duties are laid in England upon the Goods that are imported here; Consequently the Consumers here pay a proportionable Part towards the defreying the Charges of the Governm[t] there: And can it be thought equitable further to tax us, especially when it is considerd what heavy Taxes we are obligd to pay for the Support of his Majestys Governm[t] here; for which a Debt lys upon this Province, which it will take many years to discharge. None of his Majestys Subjects have shown a greater readiness to assist, in supporting his just Rights & enlarging his Dominion, than those of New England: Several Expeditions against Canada in former Wars will evidence this: The taking Anapolis Royall, & frequently saving it from the hand of the Enemy: The successfull Attempt against Louisburgh in 1745 which happily procurd a

Peace with France: The Removal of the Neutral French from Nova Scotia, which was an absolutely necessary Step towards the final Reduction of all Canada, & which was done by this Province alone, & many other signal Services, which have exhausted our Treasure & Blood; for some of which we were promisd in the reign of the late Queen Ann, signal Marks of Favor; but have receivd no Compensations at all till within twenty years past & that not a Third part of our actual Expence. Is it not grievous then that instead of favors, we should after all that we have done, be exposed to the Loss of our Estates our Trade, Honor & Liberty!

Your kind Disposition towards this suffering Country will engage us to write you further upon these Subjects by the next Opp^{ty}— in the mean time, our hearty Prayer is that you may be succeeded in all your Endeavors to promote the *spiritual* kingdom of Jesus Christ & we remain with all Sincerity

Your Friends
& hum^{l} serv^{ts}

THOMAS CUSHING
SAMUEL ADAMS.

P. S. There has lately been a Congress of Comittees from the several Houses of Representatives & Burgesses on this Continent to prepare an humble dutifull & loyall Representation to the King & Parliament, which they have done in three several Petitions.

The Congress recommended to the several Houses of representatives to appoint Each a special Agent

to present these Petitions &c: the representatives of this Province have made Choice of Dennis Deberdt Esq[r] of London his good Character & Abilities being well known here—What more particularly recommended this Gentleman to some leading Members was, that he was thought to have the Favor of the Earl of Dartmouth, a nobleman of the highest Repute in the Opinion of many Men of Sense & Worth—It would add very great Weight to the Cause of the distressd American Subjects if their Circumstances could be fully known to a nobleman of his Lordships great Integrity & Understanding—

Ut supra

THOMAS CUSHING.
S. ADAMS.

TO G—— W——.

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

BOSTON Nov[r] 13 1765

SIR

At the request of M[r] J. M. I have joynd with T. C. Esq[r] in a Letter to you which goes by this Conveyance. I have long been convincd of your Good Will to Mankind & your particular Regards for New Eng[d]. The free Access which I am informd you have with some eminent Personages, may put it in your Power to do us Offices of singular kindness. New Eng[d] has had the Misfortune of having many Enemys, but He that planted the Vine, seems hitherto to have had a watchfull Eye over it. It must be confessd we are greatly degenerated, may

the Head of the Chh hasten the happy Time of reformation.

The Nation has no doubt before now rec[d] alarming accounts from America. Nothing could have given greater Disgust than the Stamp Act. The People are in Consternation from one end of the Continent to the Other. Whatever the favorers of the Act on your side the Water may apprehend, it is certainly esteemd a Grievance in the Opinion of many Thousands of as loyal & quiet Subjects as any under the Kings Government. Among the many Speculations which have been publishd in America upon this Subject the impartial reader must discover the warmest Sentiments of Duty & Affection to His Majesty & his illustrious House. I wish some Genious of the Earl of D-rtm—th[s] Goodness & penetration might find Leisure particularly to attend to this Matter, in which I think Great Britain herself as well as her Colony, is deeply interested. We stand in great Need of some such Advocate in Eng[d], as the Gov[r] of this Province has declard, in a Message deliverd to the house of representatives the last Week that he has no Pretence to interpose in this business; & that he does not think any Gov[r] on the Continent has presumd to express his Sentiments against the Act: Which case may be easily supposd, for it is not likely that any Gent[n] in commission, w[d] chuse to express his sentiments against what is said to be a favorite Point with a Minister. It is however amusing that those who are substituted by his Majesty to be the Patrons of his Subjects in the several Colonys should think themselves to be under this Restraint.

The Ministry & the Parliam[t] no doubt had the good of the Colonys as well as the Nation in View; with respect to the Colonys, they are at so great a Distance, & having none in England to represent them, it cannot be wonderd at if their interest should be sometimes mistaken. The Opinion of a Gov[r] will no doubt be of great Weight & candidly receivd: if *they* are silent, the Applications of the People will be apt to be thought of little Importance. But should these Gent[n] with a Design to please their Superiors express their Minds in favor of any Measure, the Peoples Uneasiness might then be imputed to a discontented or even a factious humour. And considering the Imperfection of human Nature, This Inclination to flatter a Superior is at least a possible Supposition. His Excellency intimates that it w[d] be taking too great a Liberty for him to obtrude his Advice to His Majestys Ministers unaskd: But with due Submission I cannot easily believe that for a Gent[n] whom his Majesty has honord with the Governm[t] over a Province to deliver his Sentiments even ag[t] a Measure which he might think to be prejudicial to the People of such a Province w[d] be deemd an Obtrusion. I ask pardon for mentioning these things. I honor the Kings Gov[r] for his royal Masters Sake — my only View is to hint to you what great Disadvantages the American Subjects are under, at so great a Distance from the fountain of National Justice, & how much need they stand in of friends at Court, when their own Guardians, & those who can serve them are silent upon maxims of prudence, thro fear of giving Offence. As I have taken

the Liberty to say thus much I feel obligd to inclose the Papers which contain what passd between y^e^ Gov^r^ & y^e^ House of Representatives during the last Session of the Gen^l^ Court & remain &^c^.

S. A.

In looking over one of the latest London News Papers, I find the following Article viz "The Disputes continually arising in y^e^ American Colonys, joyned to the Struggles they make for Independence, it is thought will induce the British Legislature, to new modle their System of governmt & to allow them representatives in y^e^ great Council of the Nation." Whether the Writer of this Piece of Intelligence meant only to amuse the Nation I am not able to say. he has endeavord to establish two facts, one of w^ch^ at least is without any foundation. That there are frequently Disputes between adjoyning Colonys, about their dividing Line, is true; but we hope they may be settled, as they have always heretofore been, without the Necessity of altering their System of Governm^t^. A very celebrated Writer, the Author of the Spirit of Laws, has defined political Liberty to be "a Tranquility of Mind arising from the Opinion which each Man has of his own Safety." Now if a Number of Colonys are to have their System of Governm^t^ new modeld at Discretion, or even to be threatend with it, because such Disputes, as subsist wherever Society is, takes place among them, there can never be among them any opinion of their Safety, from which sh^d^ arise a tranquility of Mind, and consequently there can be no Liberty, according

to the Definition of the beforementiond learned Author.

This News Writer shoots his Bow at a Venture: Where did he learn that y^e^ Colonys were strugling for Independence? The Contrary is most certainly true: You, Sir, can be a Witness to the Loyalty of y^e^ Colonys & their Affection for the Mother Country: There is at present no appearance of such disposition as this Writer w^d^ insinuate, much less a Struggle for Independence; & I dare say there never will be unless Great Britain, shall exert her power to destroy their Libertys. This we hope will never be done. He tells us "that we are to be allowd representatives in the great Council of y^e^ Nation" w^ch^ implys that we have no representatives there at present. This is a main Argument against a constitutional right of Parliam^t^ to tax us. It is built upon one of the main pillars of the British Constitution, the right of representation. If the Subject has a constitutional right, to be represented in y^e^ body that taxes him, it is but altering the Expression of the same Sentiment, to say there can be no constitutional right to tax the Subject in a body where he is not represented. When the Question is asked, Will any one deny that y^e^ Parliam^t^ hath a right to tax the Colonys, it needs only to ask again, Are the Colonys represented in Parliam^t^? The Writers against the Colonys, when they have been thus pressed, have been obligd to adopt the Word *Virtually;* but we must first understand what they mean by being virtually represented, before we can give their Doctrine a serious Consideration. There is one thing however w^ch^ perhaps may need

Explanation. The Colonists depend upon it. As their Argument against being taxd by the Parliam^t, because they are not represented, must be allowd to be good, to be consistent with the British Constitution; yet they are far from desiring a representation, for this reason only, because they judge it impracticable for them to be equally & fully represented in Parliam^t. Many things m^t be said to justify such an opinion, w^ch perhaps may occasion my troubling you with another Letter; in y^e mean time allow me just to add, that the only way to preserve to y^e Colonists their rights as British Subjects, consistent with their acknowledgd Subordination to y^e supreme Legislature of Great Britain, as it appears to me, is to continue to them the same powers of Governm^t, which they have hitherto been used to, with y^e same Checks & no other: This is all they desire: Under their several Constitutions of subordinate civil Governm^t, they have from the beginning of their Settlem^ts, approvd themselves faithfull & loyal Subjects, ever ready to afford their Mother Country all that Assistance w^ch can reasonably be expected from them, & there is no reason to doubt but under the same Constitution they ever will—— Yours &^c

S. A.

TO JOHN SMITH.

[MS., Collections of the Earl of Dartmouth.]

BOSTON Dec^r 19, 1765

SIR

I should have taken the Liberty of writing to you by Vessells which have already saild, had I known

your Intention to spend the Winter in England—Your Acquaintance with this Country—its civil Constitution—its religious Establishm[t]—the Temper, Education, Manners & Customs of the People—their Attachment to & Connection with the Mother Country—their Trade & the Advantages of it to Great Britain, and their ardent Love of civil & religious Liberty, makes you an Able Advocate on her Behalf; at a Time when her Friends have every Thing to fear for her.

Perhaps there never was a Time when she stood in greater Need of Friends in England, & had less Reason to expect them: Not because she has forfeited them but from the Nature of the unhappy Controversy, which has of late arisen between Great Britain & her Colonys, while the Prosperity of both depends on mutual Affection & Harmony—The Nation it seems groaning under the Pressure of a very heavy Debt, has thought it reasonable & just that the Colonys should bear a Part; and over & above the Tribute which they have been continually pouring into her Lap, in the Course of their Trade, she now demands an internal Tax—The Colonists complain that this is both burdensom & unconstitutional. They alledge, that while the Nation has been contracting this Debt, solely for her own Interest, detachd from theirs, *they* have [been] subduing & settling an uncultivated Wilderness, & thereby increasing her Power & Wealth at their own Expence, which is eminently true with Regard to New England—This must certainly be esteemd of very great Weight in Point of Equity; for it has always been usual for Mother

States, to put themselves to great Expence in settling their Colonys, expecting to reap the Advantage of it in the Extent of Trade & Empire. But Britain reaps all this Advantage without any Expence of her own & solely at theirs—But it is said that this Tax is to discharge the Colonys proportion of Expence in carrying on the War in America, which was for their Defence—To this it is said, that it does by no Means appear, that the War in America was carried on solely for the Defence of the Colonys—had the Nation been only on the defensive here, a much less Expence would have been sufficient; there was evidently a View of making Conquests, & by means thereof establishing an advantageous Peace for the Nation, or perhaps advancing her Dominion & Glory — But admiting, that the whole Expence was necessary barely for the Defence of the Colonys, they say, they have already born their full share in the Aids they afforded for the common Cause, & even much beyond their Ability—which the Parliam[t] seem to have been sensible of, when they made us Reimbursments from year to year, to relieve us from the Burden under which we must otherwise have sunk. But is there no Credit to be given to the New England Colonys who not only purchasd these Territorys of the Natives & settled them, but have also defended & maintaind them for more than a Century past, against the Encroachments or rather Incursions of those warlike Savages, with a Bravery & Fortitude scarcely to be equald, & without a Farthings Expence to the Nation? besides which they have always readily joynd their Forces, when any Attempts have been made by

the Government at home, in former Wars, against His Majestys Enemys in this Part of the World — Often have they unexpected by the Nation, put themselves to the Charge, of strengthning the Kings Garrisons at a Distance from them, when they would otherwise have been unavoidably attackd & lost — Anapolis Royall will afford diverse Instances of this in the Course of one War—The memorable & successfull Expedition against Louisburgh in 1745 was undertaken & compleated, at their Expence alone, for w^ch^ they were indeed in part recompensd, when the Nation was under the Necessity of restoring it as an Equivalent to purchase the Peace of Europe. You will easily recollect from your knowlege of our History, Instances of signal & expensive Service done by New England for their Mother Country which may serve to convince any candid Person, that we have born much more than our Proportion of the national Burden.

But there are other things which perhaps were not considerd when the Nation determind this to be but a proportionate Tax upon the Colonys: you are sensible Sir, that her Policy has been to oblige the Colonys to carry the chief of their Produce there & to take off her Manufactures in Return; & as they must conform to her Price both in buying & selling, one would think the Advantage she reaps by their Trade sufficient. This is at least an indirect Tax— But the Nation constantly regulates their Trade, & lays it under what Restrictions she pleases—The Dutys upon the Goods imported from her & consumd here, together with those which are laid upon

almost every Branch of our Trade all which center in dry Cash in her Coffers, amount to a very great sum. The moneys drawn from us in the way of actual direct Tax, by means of these Regulations, it is thought will very soon put an End in a great measure to Trade, which is the means whereby we are enabled to pay them—Of this you are as able to judge as any Gentleman, & if it be the Case, it certainly requires the prudent & impartial Consideration of Great Britain — for all the Advantages she can expect to reap from her Colonys, must arise from Commerce, by which they have it in their Power to purchase her Manufactures—Their whole Profits, saving a very moderate Subsistence for themselves flow in upon her, thro various Channells, besides the Dutys beforementiond. The Stamp Duty, if the Act should be enforced, will probably in two or three Years, take off the whole of their remaining Cash, and leave them none to carry on any Trade at all—I wish that *Trade Policy*, as an ingenious Gentleman has expressd, was better understood & exercisd, by the Mother Country with Regard to the Colonys—By Restrictions & Dutys she has even now endangerd the Loss of their Usefulness to her, whereas, by relinquishing these Dutys, & giving them Indulgencys, they might even make the the french Colonys in America tributary to her in the way of Trade, & repay her an hundred fold.

If this Tax is demanded of the Colonists as their Proportion of the Expence of defending them in the late War, it is a Question whether any Regard was had to the Sums, they have already advancd for that

your Intention to spend the Winter in England—Your Acquaintance with this Country—its civil Constitution—its religious Establishm[t]—the Temper, Education, Manners & Customs of the People—their Attachment to & Connection with the Mother Country—their Trade & the Advantages of it to Great Britain, and their ardent Love of civil & religious Liberty, makes you an Able Advocate on her Behalf; at a Time when her Friends have every Thing to fear for her.

Perhaps there never was a Time when she stood in greater Need of Friends in England, & had less Reason to expect them: Not because she has forfeited them but from the Nature of the unhappy Controversy, which has of late arisen between Great Britain & her Colonys, while the Prosperity of both depends on mutual Affection & Harmony—The Nation it seems groaning under the Pressure of a very heavy Debt, has thpught it reasonable & just that the Colonys should bear a Part; and over & above the Tribute which they have been continually pouring into her Lap, in the Course of their Trade, she now demands an internal Tax—The Colonists complain that this is both burdensom & unconstitutional. They alledge, that while the Nation has been contracting this Debt, solely for her own Interest, detachd from theirs, *they* have [been] subduing & settling an uncultivated Wilderness, & thereby increasing her Power & Wealth at their own Expence, which is eminently true with Regard to New England—This must certainly be esteemd of very great Weight in Point of Equity; for it has always been usual for Mother

States, to put themselves to great Expence in settling their Colonys, expecting to reap the Advantage of it in the Extent of Trade & Empire. But Britain reaps all this Advantage without any Expence of her own & solely at theirs—But it is said that this Tax is to discharge the Colonys proportion of Expence in carrying on the War in America, which was for their Defence—To this it is said, that it does by no Means appear, that the War in America was carried on solely for the Defence of the Colonys—had the Nation been only on the defensive here, a much less Expence would have been sufficient; there was evidently a View of making Conquests, & by means thereof establishing an advantageous Peace for the Nation, or perhaps advancing her Dominion & Glory — But admiting, that the whole Expence was necessary barely for the Defence of the Colonys, they say, they have already born their full share in the Aids they afforded for the common Cause, & even much beyond their Ability—which the Parliam[t] seem to have been sensible of, when they made us Reimbursments from year to year, to relieve us from the Burden under which we must otherwise have sunk. But is there no Credit to be given to the New England Colonys who not only purchasd these Territorys of the Natives & settled them, but have also defended & maintaind them for more than a Century past, against the Encroachments or rather Incursions of those warlike Savages, with a Bravery & Fortitude scarcely to be equald, & without a Farthings Expence to the Nation? besides which they have always readily joynd their Forces, when any Attempts have been made by

the Government at home, in former Wars, against His Majestys Enemys in this Part of the World — Often have they unexpected by the Nation, put themselves to the Charge, of strengthning the Kings Garrisons at a Distance from them, when they would otherwise have been unavoidably attackd & lost — Anapolis Royall will afford diverse Instances of this in the Course of one War—The memorable & successfull Expedition against Louisburgh in 1745 was undertaken & compleated, at their Expence alone, for w^ch^ they were indeed in part recompensd, when the Nation was under the Necessity of restoring it as an Equivalent to purchase the Peace of Europe. You will easily recollect from your knowlege of our History, Instances of signal & expensive Service done by New England for their Mother Country which may serve to convince any candid Person, that we have born much more than our Proportion of the national Burden.

But there are other things which perhaps were not considerd when the Nation determind this to be but a proportionate Tax upon the Colonys: you are sensible Sir, that her Policy has been to oblige the Colonys to carry the chief of their Produce there & to take off her Manufactures in Return; & as they must conform to her Price both in buying & selling, one would think the Advantage she reaps by their Trade sufficient. This is at least an indirect Tax— But the Nation constantly regulates their Trade, & lays it under what Restrictions she pleases—The Dutys upon the Goods imported from her & consumd here, together with those which are laid upon

almost every Branch of our Trade all which center in dry Cash in her Coffers, amount to a very great sum. The moneys drawn from us in the way of actual direct Tax, by means of these Regulations, it is thought will very soon put an End in a great measure to Trade, which is the means whereby we are enabled to pay them—Of this you are as able to judge as any Gentleman, & if it be the Case, it certainly requires the prudent & impartial Consideration of Great Britain — for all the Advantages she can expect to reap from her Colonys, must arise from Commerce, by which they have it in their Power to purchase her Manufactures—Their whole Profits, saving a very moderate Subsistence for themselves flow in upon her, thro various Channells, besides the Dutys beforementiond. The Stamp Duty, if the Act should be enforced, will probably in two or three Years, take off the whole of their remaining Cash, and leave them none to carry on any Trade at all—I wish that *Trade Policy*, as an ingenious Gentleman has expressd, was better understood & exercisd, by the Mother Country with Regard to the Colonys—By Restrictions & Dutys she has even now endangerd the Loss of their Usefulness to her, whereas, by relinquishing these Dutys, & giving them Indulgencys, they might even make the the french Colonys in America tributary to her in the way of Trade, & repay her an hundred fold.

If this Tax is demanded of the Colonists as their Proportion of the Expence of defending them in the late War, it is a Question whether any Regard was had to the Sums, they have already advancd for that

Purpose. This certainly must in Equity have been considerd; from whence else could the Proportion be found? It is probable the Gentlemen in England are not sensible of the Burdens on the People here on that Account—Some Persons here have had yearly Demands of two, three & four hundred Pounds sterling & others in proportion in dry Cash, besides sumptuary Taxes to support this Cause, & our provincial Debt, as is the Case of other Colonys, still lys heavy upon us, & is almost insupportable—Besides, in Infant Countrys, Numbers are to be reckned their Riches, and you well know, Sir, what great Numbers have been taken off from their Labors & Usefulness to the Colonys, as well to recruit the Kings regular Troops as to furnish their own Quota—In one year this Province alone sent out not less than seven Thousand Men, all of whom were usefull to the Mother Country exclusive of their being Soldiers, as they consumd her Manufactures in the Service, while in every other Respect but their being Soldiers, tho' as good as any in the Kings Service, they were more than lost to the Province that immediately employd them.

But there is another Consideration which makes the Stamp Act obnoxious to the People here, & that is, that it totally annihilates as they apprehend their essential Rights as Englishmen. The first Settlers of New England were cruelly persecuted in their Native Country at a Time, when the Nation was infatuated with Bigotry, & in Consequence the publick Religion reducd to mere Form & Ceremony — This inducd them to cross an untryd Ocean & take Shelter in this

a time when she stood more in Need of Friends in England and had less Reason to expect them. Not because she has justly forfeited them, but from the Nature of the unhappy Controversy which has of late arisen between Great Britain and the Colonies, while the Prosperity of both depends upon mutual Affection & Harmony. The Nation, it seems, groaning under the Pressure of an heavy Debt, has thought it reasonable & just that the Colonies should bear a Part; and over & above the Tribute which they have been Constantly paying to her in the Course of their Trade, she demands an internal Tax which they think not only burdensome but unconstitutional. Both the Parties are greatly interested. The most powerful of them assumes the Right of judging, and the other appeals to her Wisdom & Justice. Is there not great Reason to fear that such a Judge may be under an undue Influence from the Arguments or Feelings which his own Interest may suggest or excite.

The Colonists complain, that while the Nation has been contracting this Debt solely for her own Purposes, they have been settling an uncultivated Wilderness, & thereby increasing the National Power & Wealth at their own Expence; which is eminently true as you are sensible, of the New England Colonies. This must certainly be allowed to be a very great Weight in the Scale of Equity, for it has always been customary for Mother States to put themselves to great Expence in settling their Colonies expecting to reap Advantage from an Extent of Trade & Empire; but Britain reaps all this Advantage of the N E Colonies at their Expence & without any of

considerd as such, & even conquerd People after swearing Allegiance are also entitled to the same Honor Happiness & Freedom.—

The Question then is, What the Rights of free Subjects of Britain are? Without entering into a nice Disquisition of the full Extent of these Rights, which would require much greater Ability than I have, it is sufficient for the present purpose to say, that the main Pillars of the British Constitution are the Right of Representation & of Tryal by Jurys, both of which the Colonists lose by this Act: Their Property may be tryd at the Option of Informers the most detestable set of Men, in a Court of Admiralty, where there is no Jury, & which Courts to say no more of them, have been very little reverencd by his Majestys good Subjects in America—Great Pains have been taken by Party Writers in England, who in all their Speculations that I have seen discover that they know very little about the Colonys, & if possible care less than they know—I say they have taken great Pains to have it understood that we are represented in Parliam^{t}, but I trust to little Purpose—No man of common Sense can easily be made to beleive that the Colonys, all together have one Representative in the House of Commons, upon their *own free Election.*—I am sure this Province never returnd a single Member—The Acts of Parliam^{t} and the Constitution considers every Individual in the Realm as present in that high Court by his Representative upon his *own free Election* (see 1st James the 1st)—This is his indisputable Privilege—It is founded in the eternal Law of Equity—It is an

original Right of Nature—No man in the State of Nature can justly take Anothers Property without his Consent—The Rights of Nature are happily interwoven in the British Constitution—It is its Glory that it is copyd from Nature—It is an essential Part of it, that the supreme Power cannot take from any man any Part of his Property without his Consent—& so jealous is the Nation of Property that since the revolution the Power of naming Commissioners for the Land Tax is exercisd only by the House of Commons yearly (see Dr Ellis on spiritual & temporal Liberty)—If the Colonists are free Subjects of Britain, which no one denys, it should seem that the Parliament cannot tax them consistent with the Constitution, because they are not represented—& indeed it does not appear to me practicable for them to be represented there—As they have ever approvd themselves, not only loyal to the Crown but ready on all Occasions to afford it their utmost Aid, it seems strange that the Wisdom of the Parliamt should alter the Method of obtaining it—They have always heretofore granted their Aid to His Majesty upon a Requisition made by Him, with the Consent of their Representatives, which is strictly constitutional—In this way it was their own *Free Gift*—This they esteem an Honor which belongs to them as free Subjects, nor is there any Reason to believe they would ever have forfeited His Majestys Favor in this Regard—This new way tends to disaffect them to the Mother Country, to which you know New England especially has always been firmly attachd—Like their British Ancestors, and I would fain hope their Fellow

Subjects in Engd, they are jealous of their Liberty, & can never think themselves happy unless they are free British Subjects—They are of Opinion that the only way to preserve their Rights as such, is to have their subordinate Powers of Government continued to them in their full Extent, which cannot be done if they are taxed by Persons who do not & cannot represent them.

I am Sir with all due respect, Your most humble Servt

SAMUEL ADAMS.

JOHN SMITH Esqr.

TO JOHN SMITH.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

SIR

I should have taken the Liberty of writing to you by Vessels which have already Sailed, had I known it was your Intention to spend the Winter in England. Your Acquaintance with this Country, its civil Constitution, its religious Establishment, the Temper Education, Manners & Customs of the People, their Attachment to as well as Connections with the Mother Country, their Trade & the Advantages of it to Great Britain, their ardent Love of Liberty civil & religious, makes you an able Advocate on her behalf at a Time when her Friends have everything to fear for her. Perhaps there never was

[1] The preceding text of this letter is that of the manuscript actually sent. The following text is that of the draft retained by Adams.

almost every Branch of our Trade all which center in dry Cash in her Coffers, amount to a very great sum. The moneys drawn from us in the way of actual direct Tax, by means of these Regulations, it is thought will very soon put an End in a great measure to Trade, which is the means whereby we are enabled to pay them—Of this you are as able to judge as any Gentleman, & if it be the Case, it certainly requires the prudent & impartial Consideration of Great Britain — for all the Advantages she can expect to reap from her Colonys, must arise from Commerce, by which they have it in their Power to purchase her Manufactures—Their whole Profits, saving a very moderate Subsistence for themselves flow in upon her, thro various Channells, besides the Dutys beforementiond. The Stamp Duty, if the Act should be enforced, will probably in two or three Years, take off the whole of their remaining Cash, and leave them none to carry on any Trade at all—I wish that *Trade Policy*, as an ingenious Gentleman has expressd, was better understood & exercisd, by the Mother Country with Regard to the Colonys—By Restrictions & Dutys she has even now endangerd the Loss of their Usefulness to her, whereas, by relinquishing these Dutys, & giving them Indulgencys, they might even make the the french Colonys in America tributary to her in the way of Trade, & repay her an hundred fold.

If this Tax is demanded of the Colonists as their Proportion of the Expence of defending them in the late War, it is a Question whether any Regard was had to the Sums, they have already advancd for that

Purpose. This certainly must in Equity have been considerd; from whence else could the Proportion be found? It is probable the Gentlemen in England are not sensible of the Burdens on the People here on that Account—Some Persons here have had yearly Demands of two, three & four hundred Pounds sterling & others in proportion in dry Cash, besides sumptuary Taxes to support this Cause, & our provincial Debt, as is the Case of other Colonys, still lys heavy upon us, & is almost insupportable—Besides, in Infant Countrys, Numbers are to be reckned their Riches, and you well know, Sir, what great Numbers have been taken off from their Labors & Usefulness to the Colonys, as well to recruit the Kings regular Troops as to furnish their own Quota—In one year this Province alone sent out not less than seven Thousand Men, all of whom were usefull to the Mother Country exclusive of their being Soldiers, as they consumd her Manufactures in the Service, while in every other Respect but their being Soldiers, tho' as good as any in the Kings Service, they were more than lost to the Province that immediately employd them.

But there is another Consideration which makes the Stamp Act obnoxious to the People here, & that is, that it totally annihilates as they apprehend their essential Rights as Englishmen. The first Settlers of New England were cruelly persecuted in their Native Country at a Time, when the Nation was infatuated with Bigotry, & in Consequence the publick Religion reducd to mere Form & Ceremony — This inducd them to cross an untryd Ocean & take Shelter in this

dreary Wilderness—Immediately after their Arrival here they solemnly recognizd their Allegiance to their Sovereign in England, & the Crown graciously acknowledg'd them granted them Charter Privileges, & declared them & their Heirs for ever entitled to all the Libertys & Immunitys of free & natural born Subjects of the Realm—The other Colonys are by Charter or other Royal Institution thus acknowlegd—Indeed as they were good Subjects in England, & were not prohibited leaving the Kingdom their Removal could not disfranchise them, tho they were once told by an haughty Bashaw, you well rem~ber who I mean, that they could not expect their Libertys would follow them to the Ends of the Earth—They undoubtedly brought with them all the Rights & Laws of the Mother State—The British Constitution makes no Distinction between good Subjects in Point of Liberty—To talk of British Subjects free, & of other British Subjects not so free is absurd, they are all alike free—The British Constitution is founded in the Principles of Nature and Reason—it admits of no more Power over the Subject than is necessary for the Support of Governm[t] which was originally designd for the Preservation of the unalienable Rights of Nature—It engages to all Men the full Enjoyment of these Rights, who take Refuge in her Bosome—Foreigners who have resided a certain Time in the Colonys & behaved well & taken the Oaths of Allegiance are not only receivd into the Arms of her Protection, but by Act of Parliam[t] are also declard to be as free as natural born Subjects; in which Act it is to be observd; that the Colonists are

considerd as such, & even conquerd People after swearing Allegiance are also entitled to the same Honor Happiness & Freedom.—

The Question then is, What the Rights of free Subjects of Britain are? Without entering into a nice Disquisition of the full Extent of these Rights, which would require much greater Ability than I have, it is sufficient for the present purpose to say, that the main Pillars of the British Constitution are the Right of Representation & of Tryal by Jurys, both of which the Colonists lose by this Act: Their Property may be tryd at the Option of Informers the most detestable set of Men, in a Court of Admiralty, where there is no Jury, & which Courts to say no more of them, have been very little reverencd by his Majestys good Subjects in America—Great Pains have been taken by Party Writers in England, who in all their Speculations that I have seen discover that they know very little about the Colonys, & if possible care less than they know—I say they have taken great Pains to have it understood that we are represented in Parliam^{t}, but I trust to little Purpose—No man of common Sense can easily be made to beleive that the Colonys, all together have one Representative in the House of Commons, upon their *own free Election.*—I am sure this Province never returnd a single Member—The Acts of Parliam^{t} and the Constitution considers every Individual in the Realm as present in that high Court by his Representative upon his *own free Election* (see 1st James the 1st)—This is his indisputable Privilege—It is founded in the eternal Law of Equity—It is an

original Right of Nature—No man in the State of Nature can justly take Anothers Property without his Consent—The Rights of Nature are happily interwoven in the British Constitution—It is its Glory that it is copyd from Nature—It is an essential Part of it, that the supreme Power cannot take from any man any Part of his Property without his Consent—& so jealous is the Nation of Property that since the revolution the Power of naming Commissioners for the Land Tax is exercisd only by the House of Commons yearly (see Dr Ellis on spiritual & temporal Liberty)—If the Colonists are free Subjects of Britain, which no one denys, it should seem that the Parliament cannot tax them consistent with the Constitution, because they are not represented—& indeed it does not appear to me practicable for them to be represented there—As they have ever approvd themselves, not only loyal to the Crown but ready on all Occasions to afford it their utmost Aid, it seems strange that the Wisdom of the Parliamt should alter the Method of obtaining it—They have always heretofore granted their Aid to His Majesty upon a Requisition made by Him, with the Consent of their Representatives, which is strictly constitutional—In this way it was their own *Free Gift*—This they esteem an Honor which belongs to them as free Subjects, nor is there any Reason to believe they would ever have forfeited His Majestys Favor in this Regard—This new way tends to disaffect them to the Mother Country, to which you know New England especially has always been firmly attachd—Like their British Ancestors, and I would fain hope their Fellow

Subjects in Engd, they are jealous of their Liberty, & can never think themselves happy unless they are free British Subjects—They are of Opinion that the only way to preserve their Rights as such, is to have their subordinate Powers of Government continued to them in their full Extent, which cannot be done if they are taxed by Persons who do not & cannot represent them.

I am Sir with all due respect, Your most humble Servt

SAMUEL ADAMS.

JOHN SMITH Esqr.

TO JOHN SMITH.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

SIR

I should have taken the Liberty of writing to you by Vessels which have already Sailed, had I known it was your Intention to spend the Winter in England. Your Acquaintance with this Country, its civil Constitution, its religious Establishment, the Temper Education, Manners & Customs of the People, their Attachment to as well as Connections with the Mother Country, their Trade & the Advantages of it to Great Britain, their ardent Love of Liberty civil & religious, makes you an able Advocate on her behalf at a Time when her Friends have everything to fear for her. Perhaps there never was

[1] The preceding text of this letter is that of the manuscript actually sent. The following text is that of the draft retained by Adams.

a time when she stood more in Need of Friends in England and had less Reason to expect them. Not because she has justly forfeited them, but from the Nature of the unhappy Controversy which has of late arisen between Great Britain and the Colonies, while the Prosperity of both depends upon mutual Affection & Harmony. The Nation, it seems, groaning under the Pressure of an heavy Debt, has thought it reasonable & just that the Colonies should bear a Part; and over & above the Tribute which they have been Constantly paying to her in the Course of their Trade, she demands an internal Tax which they think not only burdensome but unconstitutional. Both the Parties are greatly interested. The most powerful of them assumes the Right of judging, and the other appeals to her Wisdom & Justice. Is there not great Reason to fear that such a Judge may be under an undue Influence from the Arguments or Feelings which his own Interest may suggest or excite.

The Colonists complain, that while the Nation has been contracting this Debt solely for her own Purposes, they have been settling an uncultivated Wilderness, & thereby increasing the National Power & Wealth at their own Expence; which is eminently true as you are sensible, of the New England Colonies. This must certainly be allowed to be a very great Weight in the Scale of Equity, for it has always been customary for Mother States to put themselves to great Expence in settling their Colonies expecting to reap Advantage from an Extent of Trade & Empire; but Britain reaps all this Advantage of the N E Colonies at their Expence & without any of

her own. It is said that this Tax is to discharge the Colonies Proportion of the Expence of carrying on the War in America which was for their Defence: But how does it appear that the War was carried on solely for the Defence of America? Had the Nation been only on the Defensive a much less Expence would have been sufficient. There was evidently a View of Conquest, and thereby, of establishing an advantageous Peace, or perhaps of enlarging her Dominion. But admitting that the whole Expence was necessary for the Defence of the Colonies, they say, they have already borne their full Share in the Aids they have afforded, which the Nation seems to have admitted, when she made them Reimbursements from year to year in such Sums as they had advanced beyond their Proportion. And is there no Credit to be given to the N E Colonies, who not only purchased these Territories of the Natives, but have defended them for above a Century past against the Encroachments of those warlike Savages, with fortitude scarcely equalled without a farthing[s] Expence to the Nation; besides which, they have always readily joynd their Forces, when any Attempts have been made by the Nation in former Wars, against his Majesties Enemies in this part of the World. Unexpected by the Nation, they have often put themselves to the Charge of Strengthening the Kings Garrisons at a Distance from them, when they would otherwise unavoidably have been attackd & lost. Annapolis Royal affords diverse Instances of this during the Course of one War. The memorable & successful Expedition against Cape Breton in 1745 was undertaken & com-

pleated at their Expence, for which they were indeed in part recompensed when the Nation was under the Necessity of restoring it as an Equivalent, to purchase the Peace of Europe. You will easily recollect from your own Knowledge of our History, many Instances of signal & Expensive Services done to the Nation by New England which may serve to convince any candid Man that we have borne much more than our proportion of the National Burdens. But there are other things which perhaps were not considered, when the Nation determined this to be but a proportionate Tax on the Colonies. You are sensible Sir, that it has been her Policy to oblige the Colonies to carry the Chiefe of their Produce to Great Britain & to take off her Manufactures in Return. And as they must conform to her Price both in buying & selling, one would think the Advantage she reaps by this Trade would be sufficient. This is an indirect Tax. The Nation constantly regulates their Trade & lays it under what Restrictions she pleases, and the Duties on the Goods imported from her & consumed here, together with those which are laid on almost every Branch of our Trade all which centers in Cash in her Coffers, amount to a very great Sum. The Monies drawn from us in the Way of actual direct Taxes, by means of those Regulations, it is thought, will very soon put an End to the Trade. Of this you are as able to judge as any Gentleman; & if it be the Case, it certainly requires prudent & impartial Consideration, for all the Advantage the Nation can expect to reap from the Colonies must arise from Commerce. Their whole

Profits, saving a moderate Subsistence for themselves, flow in upon Her thro various Channels. The Stamp Duty, if the Act is continued in force, will probably in a very few years take off the whole of their Cash, & leave them none to carry on any trade at all.—I wish that *Trade Policy*, as a very sensible Gentleman has expressed it, was better understood by the present Rulers in the Mother Country with respect to the Colonies. By Restrictions & Duties she is even now in Danger of puting an End to their Usefulness to her; whereas by abolishing those Duties & giving them Indulgencies they would be enabled to repay her an hundred fold.

If the Colonists are to pay this Tax as their Proportion of the Expence in defending them in the late War, I should be glad to know whether any Regard was had to the Sums they have already advancd for that Purpose? This certainly ought in Equity to have been considerd, or, how could the Proportion be found? It is probable the Gentlemen in England are not sensible of the Burdens laid on the People are on that Account. They have never been informd, that Persons here have had yearly Demands of two three & four hundred pounds Sterling by Way of Taxes, besides sumptuary Laws, to support this Cause, & our provincial debt (which is the Case in other Colonies) still lies heavily upon us & is almost insupportable. Besides, in Infant Countries their Numbers are to be reckond their Riches. You well know what great Numbers have been taken off from their Labor, & Usefulness in that Way to the Colonies, as well to recruit the Kings Regiments

as to furnish their own Quotas: In one year this Province alone furnishd for the Sea & Land Service not less than Seven thousand Men. Those Men were useful to the Mother Country, exclusive of their being Soldiers, as they consumed her Manufactures in the Service; while in every other Respect but their being Soldiers, tho as good as any in the Kings Service, they were more than lost to the Province that immediately employed them.

But there is another Consideration which renders this Tax still more obnoxious to the Colonies, & that is, it totally annihilates their essentials Rights as British Subjects. The first Settlers of New England, had been persecuted in England at a Time when the Nation was intoxicated with Bigotry & the Ideas of Ecclesiastical Tyranny. This inducd them to cross an untried Ocean & take Shelter in a dreary Wilderness. Immediately after their Arrival they recognizd their Allegiance to the English King & he declared them intitled to all the Rights Liberties & Immunities of natural born subjects. The other Colonies are by Charter or other Royal Institutions thus acknowledgd. Indeed as they were good Subjects in England & were not prohibited to leave the Kingdom, their Removal could not disfranchise them, altho they were told by a haughty Bashaw, you know who I mean, they must not expect their Liberties would follow them to the Ends of the Earth. They undoubtedly brot with them the Rights & Laws of the Mother State. The British Constitution makes no Distinction between good Subjects with Regard to Liberty. To talk of British Subjects who are free

and of other British Subjects who are not free is absurd. They are all alike free. The British Constitution is founded in the Principles of Nature & Reason. It admits of no more Power over the Subject than is necessary for the Support of Government, which was originally designd for the Preservation of the unalienable Rights of Nature. It engages to all Men the full Enjoyment of these Rights, who take Refuge in her Bosom. Foreigners who have resided a certain time & have behaved well & taken the Oaths of Allegiance, by Act of Parliam[t] are declared to be as free as natural born Subjects (in which Act it is to be observed the Colonies are to be considerd as such) and even conquerd People after swearing Allegiance are intitled to the same Honor & Freedom. The Question then is What are those Rights? Without entering into a nice Disquisition of their full Extent, which would require much more Ability & Knowledge than I am possessd of, it is sufficient for the present Purpose to say, that among the main Pillars of the British Constitution are the Rights of Representation & of Trial by Jury, both which the Colonists lose by this Act. Their Property may be tried at the Option of Informers, in a Court of Admiralty where there is no Jury. Great Pains have been taken by Party Writers in England, who, in all their Speculations which I have seen, discover that they know or care but little about the Colonists, to cause it to be believd they are represented in Parliament, but I hope to little Purpose. No Man of Common Sense can easily believe, that the Colonists have all together one Representative in

the British House of Commons of *their own free Election.* The Acts of Parliament & the British Constitution consider every individual Person in the Realm as present in that high Court by his Representative upon his own free Election. Vid. 1. Jac. 1. This is his indispensible Privilege. It is founded on the Eternal Law of Equity. It is an Original Right of Nature. No Man in the State of Nature can justly take anothers Property without his Consent. It is an essential Part of the British Constitution that the Supreme Power cannot take from any Man any part of his Property without his Consent in Person or by his Representative. And so jealous is the Nation of Property, that since the Revolution the Power of naming Commissioners for the Land tax is exercisd only by the House of Commons. Vid. *Dr. Ellis on temporal & spiritual Liberty.* If then the Colonists are free Subjects of Britain which no one has yet denied, it is unconstitutional for the Parliament to tax them because they are not represented in Parliam^{t}, and in my Opinion it ever will be unconstitutional because they never can be present in Parliament by their Representatives, it being impracticable.

As the Colonists have ever approvd themselves not only loyal Subjects, but ready upon all Occasions to afford the Crown their utmost Aid, it seems strange to me that Parliament have seen fit, by their Interposition, to alter the Manner of requiring it. They have always heretofore granted their Aid to his Majesty upon a Requisition *from him*, with the Consent of their Representatives, which is strictly constitutional. In this Way it was their own *Free Gift*,

and there is no Reason to believe they would ever have incurrd his Majestys Displeasure in this Regard. This *new* Method will tend to disaffect them to the Mother State. Like their British Ancestors, they are jealous of their Rights, & they are of Opinion that the only Way to preserve their Rights, is to have their Powers of Government continued to them in their full Extent, which cannot be, if they are taxed by Persons who do not & *cannot* represent them.

I am &c
S A

BOSTON, Dec^{r} 20 1765
to J. S. Esq^{r} London

TO JOHN SMITH.

[MS., Collections of the Earl of Dartmouth; an autograph draft is in the Samuel Adams Papers, vol. i., Lenox Library.]

BOSTON 20th 1765

SIR

I have already wrote you by this Opp^{ty}, & must beg to be excused for further troubling you. It is probable the Conduct of the Colonys, upon the Occasion of the Stamp Act may be set in an incandid Light, I shall therefore give a briefe Account of them. Upon the first Notice of a Proposal being made for the Parliam^{t} to tax the Colonys they expressd the greatest Uneasiness. All seemed to have an high opinion of the Wisdom as well as Power of the Parl^{t} which induced many to believe that such a Proposal would not finally take Effect. However the Colonys

seperately took the legal steps, & sent home their humble Petitions against it, but to their great Mortification, their Petitions were not sustaind, & the Reason given was that they were against a Bill for imposing Taxes. The rectitude of such an objection, would have appeard more plainly had the Colonys been represented in the House of Commons. As the Case was otherwise it might & ought to have been urgd, that the very Taxes designd in the Bill were to be laid by a Number of Subjects, *for their own Ease*, upon their Fellow Subjects, who could have no other Method of making their Circumstances known and the Hardships of the Bill upon them, but by humble Supplication. To their Astonishment they afterwards heard that the Bill was passd into a Law — a Law by which they were taxed by Persons who were strangers to their Circumstance, & who could have no means of obtaining an adequate Knowledge of them but from the Governors of the Colony, & other Officers of the Crown, their own Agents who have some of them it is to be feard been too often captivated by the Smiles of the Great, & transient Persons who perhaps were seeking some profitable Employment.

This Government however or rather the House of Representatives being resolvd to show its Marks of Dutifulness to the supreme Power of the Nation, & at the same time to collect the whole Strength of Reason & Argument, that could be had, movd for an Union of Com^{tees} from the several Colonys to meet at New York, to prepare an humble, dutifull & loyal Petition to his Majesty & the Parliam^{t} for Reliefe,

which took Place,[1] & the Petitions have been some Time forwarded—Copys of which were sent by the House of Representatives of this Province to Mr De Berdt, whom by a large Majority they chose their Agent for this Purpose. The Houses of Representatives and Burgesses generally thro' the Continent, have imitated the Virginians, in passing Resolves setting forth their Rights as Britons & charterd Colonists & upon which (the Virginia Resolves) a Person under the Name of William Pimm, but out of his Character has harrangued the good People of Engld but we hope he will get some small Knowledge at least of his own Country & the Colonys before he again engages his Passions so warmly in the Cause.

While the Houses of Representatives were joyntly consulting the most prudent as well as the legal Steps, the Peoples Minds grew more & more disturbd, under the Apprehension of the Loss of their essential Rights. Events took place much like some that we hear of in the quiet Citys of London & Westminster, tho it must be confessd there have been some Transactions for which even those Mother Cities, have not seen occasion to afford Precedents since the year 88, from which glorious Œra neither their Right of Representation, nor of Jurys nor any other of their essential Rights & Charter Privileges have ever been invaded.

The most publick Marks of Contempt & Ignomy have been put upon the Gentlemen appointed to dis-

[1] The journal of the Congress, printed from a manuscript in the papers of Cæsar Rodney, is in H. Niles, *Principles and Acts of the Revolution*, Baltimore, 1822, pp. 451–461.

tribute the Stamps through America & even in the West India Islands where it was least expected. The People in Boston began by hanging up their Stamp Master in Effigie. This was done under the Great Tree at the South Part of the Town, which now is called the Tree of Liberty. It is not likely that they had any thing further in View at first, but at Night great Numbers, many of them from the Neighboring Towns got together & resolvd to make a Sacrifice of their Pageantry by burning it on Fort Hill. Unluckily a small Building said to be designd for a Stamp Office, as well as M[r] O——r[1] Mansion House fell in their Way—the former of which they demolishd, & to the other they did some Dammage but inconsiderable, in Comparison of what might have been expected. This bore so hard upon M[r] O[s] Mind as to induce him the next Day publickly to declare his Resolution to resign his Office, which gave universal Satisfaction throughout the Country. Such a Spirit in all the Colonys excepting Hallifax & Quebeck has had the same Effect, & there is not a Man who dares to put the Act in Execution. The People in England may perhaps think it difficult for us to justify these Proceedings. I do not now attempt it a[nd] yet I will venture to express my Beleife, that if the whole People of the Nation had thought their essential unalienable Rights had been invaded by an Act of Parliam[t], which is really the Opinion which the whole People of America have of the Stamp Act—I say, in such a Case, after taking all *legal* Steps to obtain redress *to no Purpose*, the *whole People of England*

[1] Andrew Oliver.

would have taken the same Steps & *justifyd themselves*—to which I make no Application.

There was another Transaction in this Town of a truly *mobbish* Nature which happend about a fortnight after the other viz on the 26 of August, when the Houses of Mr Story Deputy regr of the Court of Vice Admiralty, Mr Hallowell Comptroler of the Custom, & the Lieutenant Governors were attackd, to the two former of which some Mischiefe was done, & the other has scarce any thing left but the Walls.[1] The Cause of this Riot is not known publickly—some Persons have suggested their private Thoughts of it. Be it what it will, The Town must appear to every candid Person to have had no Concern in it. An universal Consternation appeard in the faces of every one the next morning, & a meeting of the Inhabitants was in a few hours had, the largest ever known on any Occasion, who unanimously declard their Detestation of it. I voted to assist the Majistrate to their utmost in preventing or suppressing any further Disorder. I need only to say, to prevent any ill Impressions that may be made of the Town in the Minds of sensible Persons, on your Side the Water, that the House of Representatives, afterwards in their Message to the Govr (who I should you have told was chiefly at the Castle during the Time of these Disturbances) express themselves in the following Terms "We should rather have thought your Excy would have expressd your Satisfaction in presiding over so loyal a People, who in that Part of the Governmt

[1] *Cf.*, J. Winsor, *Memorial History of Boston*, vol. iii., p. 14; Thomas Hutchinson, *History of the Province of Massachusetts Bay*, vol. iii., p. 124.

where the Violences were committed, before there was Time for them to be supported by the Arm of civil Power, & *even while the Supreme Majistrate was absent*, by *their own* Motion raisd a Spirit, & diffusd it thro' all Ranks, successfully to interpose & put a stop to such dangerous Proceedings." [1]

This Province has since been pretty quiet, but the Peoples Opposition to the Stamp Act dayly increases, & I believe nothing will ever reconcile them to it.

I have wrote in great haste, the Vessel being now upon sailing.

I am with very great Esteem
Sir
Your most humble Servt
SAMUEL ADAMS.

JOHN SMITH ESQR

TO DENNYS DE BERDT.[2]

[MS., Collections of the Earl of Dartmouth; a portion of this letter is printed, under date of December 21, in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 103–105.]

BOSTON Decber 20th 1765

SIR,

The House of Representatives of this Province having appointed you their Agent for the Purposes mentioned in their Letter to you, is the Occasion

[1] See above, page 22.

[2] Forwarded to the Earl of Dartmouth by Dennys De Berdt, with the statement: "The Inclosed Letter Wrote by Four Members of the Assembly and wrote with so much Temper and Candour that it would not I thought be unacceptable to your Lordship." The body of this letter is presumably in the hand of a clerk. With reference to the appointment of De Berdt, November 5, 7, 1765, see W. V. Wells, *Life of Samuel Adams*, vol. i., p. 80.

of our writing to you, not indeed by Order, but as individual Members. The House was so fully informed of your Ability and Inclination to serve the Province, that your Election was soon determined by a very great Majority. We hope you will have receiv'd the advice of your Appointment before this comes to Hand, and we may assure you that your Acceptance of the Trust, will give general Satisfaction to the good People here.

His Majesty's Subjects of this Province, are very uneasy at several Acts of Parliament lately made, by which their Trade is greatly obstructed, and unless a Remedy is applied, it is feared must soon be ruined. It has been very justly observed, that the Advantages drawn from America to Great Britain, are to arise from Commerce, and therefore to encourage and promote That, is her true Policy: The Profits of the Trade of the Colonies, thro' its several Channells center in Great Britain, and therefore to stop those Channels, must be evidently to her Prejudice. This will be the Case while the Sugar Act remains in Force: The English West India Islands do not produce sufficient for the Consumption and Trade of the Continent. To confine us then to those Islands, must diminish the Trade. It will in a great Measure even dry up its very Source. Our Trade to the West Indies, and our Fishery are mutual Supports to each other. They are indeed jointly the grand Basis of the whole. The Duty of three Pence per Gallon on foreign Molasses amounts to a full Prohibition, and must soon put a Stop to that Branch. As one third Part at least, of all the Fish that is taken is fit for no

other Market, it is very easy to conceive how much our Fishery must be injured. It is much to be feared that so great a Loss of Labour added to the usual Expence of carrying it on, will prove a total Discouragement to it. The Colonies may in Consequence of this be put upon contriving some other Methods, perhaps to their own greater Advantage, and not so beneficial to the Nation.] Be that as it may, it is certain there will be an End to Remittances that are now made to Spain, Portugal and other Parts of Europe, through which a very great part of the Produce of America and the Profits of the Trade flow into Great Britain, and set her Manufacturers of all Kinds to work. By means of the Trade of the Colonies as they have hitherto carried it on, Millions of them have been enabled Yearly to consume British Manufactures. An Attempt to raise Revenues out of their Trade, as it will in Effect advance the Price of your Manufactures, will reduce the People to the Necessity of setting up Manufactures of their own. Their Necessity will quicken their Invention, and they will become by Degrees less useful, and in Time entirely useless to the Mother Country. But we humbly apprehend it would appear too partial for the Nation to confine her Views to her own Interest in regulating the Trade of her Colonies. There is Justice due to them as Subjects—as such they have an equal Right with the Inhabitants of Britain of making Use of Trade and all other honest Means of subsisting and enriching themselves. The Nation would show her Wisdom in cherishing the Trade of the Colonies, while she reaps so large a share of the Profits of it;

but to abridge their Trade, even tho' it should not be an Advantage to her, unless it also evidently appears to be carried on to her Prejudice, would not seem to be just.

The Colonists have as great a Regard for Right, Liberty and Justice as any People under Heaven—and they generally have Knowledge enough to discover when their Rights are infringed. If this be true, you will own they merit the Esteem of every Man of sense in England, especially when it may be justly added that they are and ever have been, as loyal Subjects as any the King has. They hold themselves intitled to all the inherent, unalienable Rights of Nature, as Men—and to all the essential Rights of Britons, as subjects. The common Law of England, and the grand leading Principles of the British Constitution have their Foundation in the Laws of Nature and universal Reason. Hence one would think that British Rights, are in a great Measure, *unalienably*, the Rights of the Colonists, and of all Men else. The American Subjects are by Charters from the Crown, and other royal Institutions declared intitled to all the Rights and Privileges of natural born Subjects within the Realm—and with good Reason; for as emigrating Subjects, they brought the Rights and Laws of the Mother State with them. Had they been conquered, we presume that by the British Constitution, after taking the Oaths of Allegiance, they would be acknowledged as free Subjects—much more when they have been neither Rebels nor Enemies, but have greatly merited of their Mother Country, by subduing and settling a large Continent, to the amaz-

ing Increase of National Power and Wealth. Let it be observed that the New England Provinces were settled by our Ancestors who came over but little more than a Century ago, and they have maintained them without one Farthing's Expence to the Crown, or any private Man in England till the last War, when the Nation began to see their real Importance. By the Act of 13th of George the Second, for naturalizing Foreigners, the Colonists are considered as natural born Subjects, and intitled to all the essential Rights of such. The primary, absolute, natural Rights of Englishmen as frequently declared in Acts of Parliament from Magna Charta to this Day, are *Personal Security*, *Personal Liberty* and *Private Property*, and to these Rights the Colonists are intitled by Charters, by Common Law and by Acts of Parliament. Can it then be wondered at that the Act for levying Stamp Duties upon the Colonies should be astonishing to them, since in divers Respects it totally annihilates these Rights. It is a fundamental Principle of the British Constitution that the supreme Power cannot take from any Man any Part of his Property without his Consent in Person or by Representation. It is certain the Consent of the Colonists was in no Sense had in Parliament, nor even asked, when this Act was made to tax them. They never had the Return of one Member of Parliament, nor a single Vote in the Election of one. The Right of Tryals by Juries is also justly esteemed a main Pillar of the British Constitution, and the best security of the Lives, Liberty and Property of the Subjects. But by this Act the Property of the American

Subjects is tryable at the option of an Informer by Courts of Admiralty without Juries. The Right of Representation and the Argument against this Tax founded upon it, is so constitutional, that the Writers in favour of it, have been put to great Shifts to evade it. We have been told that we are *virtually* represented, but we must desire an Explanation of this vague Term, before we can give it a serious Consideration. We are put upon a Footing with Birmingham, Manchester and other Towns in England, who they say, send no Representatives, and yet are taxed —but have not those Towns a constitutional Right to be represented? and if they chuse to wave it, can that be a good Reason for taxing the Colonies without a Representation? Would it not be equally reasonable for the Majority of the Members of Parliament to deprive the Constituents of the Minority of the same Right, and tax them at Discretion? But Birmingham, and the few Towns who send no Members, cannot be deemed reasonable Precedents for taxing all America, when it is considered that all counties in England return Members, and all Freeholders have a Vote in their Election, and so in Fact are represented. In the Act of the first of James the First, wherein the Parliament recognized their Faith, Obedience and Loyalty to his Majesty and his royal Progeny, it is declared that in that high Court of Parliament, all the whole Body of the Realm, and every particular Member thereof, either in Person, or by Representation, upon their *own free Election*, are by the Laws of this Realm deemed to be personally present,—but can it with the least Shadow of Truth be said that

the Colonies are there in Person, or by Representation upon their own free Election? [Yet the general superintending Power of the Parliament over the whole British Empire is clearly admitted here, so far as in our Circumstances is consistent with the Enjoyment of our essential Rights, as Freemen, and British Subjects;] and we humbly conceive that by the Constitution, it is no further admissible by Great Britain herself.

When we plead the Right of Representation, we only mean to have our not being represented upon our own free Election considered as a Reason why we should not be taxed by the Parliament; and we apprehend, that as we are entitled to all the Rights of British Subjects, it is a Reason that cannot be withstood without Violence to the Constitution. [We are far however from desiring any Representation there, because we think the Colonies cannot be equally and fully represented; and if not equally then in Effect not at all.] A Representative should be, and continue to be well acquainted with the internal Circumstances of the People whom he represents. It is often necessary that the Circumstances of individual Towns should be brought into Comparison with those of the whole so it is in particularly when Taxes are in Consideration. The proportionate Part of each to the whole can be found only by an exact Knowledge of the internal Circumstances of each. Now the Colonies are at so great a Distance from the Place where the Parliament meets, from which they are seperated by a wide Ocean; and their Circumstances are so often and continually varying,

as is the Case in all Countries not fully settled, that it would not be possible for Men, tho' ever so well acquainted with them at the Begining of a Parliament, to continue to have an adequate Knowledge of them during the Existence of that Parliament. If a Representative cannot be supposed to have an exact Knowledge of the Abilities of his Constituents, in Proportion to the whole, when a general Tax is under Consideration, he cannot be said to represent them, so far at least as respects this very essential Concern. He must be a mere Cypher in the House, for he can neither give Yea or Nay, for want of material Knowledge. An unequal Proportion in Taxes, may naturally be expected from so partial and insufficient a Representation; which it is most likely would be to the Prejudice of the Colonies; for without supposing an undue Byas in the House of Commons, which however may possibly hereafter take place, it is to be considered that the Taxes of the People in Britain will be lighter in Proportion to what is laid on the Colonies; and if what the Colonies ought to bear is a Matter of mere Conjecture, it is not likely that the Nation in such a Case would form an Estimate to her own Prejudice. In short it appears to us that the Nation would not only be a Party, but the Judge too, without that Knowledge or the Possibility of having it, which would be necessary to form a right Judgment, or even any at all. The Stamp Act it self may serve to shew how liable even the Parliament may be to err in this important Matter for want of an adequate Knowledge of the Circumstances of the Colonies, while they

meant only to lay upon them a reasonable Tax. The Minister, tho' he was at the Pains to get all the Information he could, from some Gentlemen of reputed Knowledge of the Colonies, then in England, has procured a parliamentary Tax upon them, amounting as we are told to a much greater Sum than either he or the Parliament, or even those Gentlemen who had so lately left the Colonies imagined it would. Such Mistakes in point of Taxation we are apt to think would generally and unavoidably be made, even tho' we should be represented as fully as our great Distance from England, and different Circumstances would admit of.

The several subordinate Powers of Legislation in America seem very probably to have been constituted upon their being considered as free Subjects of England, and the Impossibility of their being represented in the Parliament, for which Reason these Powers ought to be held sacred. By Means thereof that Liberty which they justly claim as their Birthright is established. To deprive them of these subordinate Powers, which is in Effect done by the Stamp Act, destroys that Liberty. The Exercise of Parliamentary Jurisdiction in levying external and internal Taxes on the Colonists, while they are not and cannot be represented, is inconsistent with any Degree of Freedom. It brings them under a Government essentially different from that which their Fellow Subjects in Britain are under.[1] The

[1] The following erased at this point: "In short the Power over them must be despotic, and it is of little consequence to them whether such a Power be in the Hands of one or many, the former is indeed more eligible."

American Powers of Government are rather to be considered as Matters of Justice than Favor — without them they cannot enjoy that Freedom, which, having never forfeited, no Power on Earth has any Right to deprive them of.

The Charter of this Province, invests the Power of making Laws for its internal Government in the General Assembly. Our Laws are made, with the Consent of Representatives of our own free Election. The People are all personally present by their Representatives, in the Assembly which governs and taxes them—and thus, the full Enjoyment of those essential Rights which justly belong to them as Subjects of Great Britain is preserved—At the same Time that Dependence and Subordination which they are ever ready to acknowledge, will appear to be effectually secured, when it is considered that their Laws must first have the Concurrence of the Council, upon whose Election the Chair has a Negative, and the Consent of the Governor who is appointed by the Crown, before they can be in Force—and finally they must be laid before his Majesty, who at any Time during three Years disanulls them at his Royal Pleasure. [Here is all the Check which the Nation can in Reason desire. A further Controul would leave them the Name only of free Subjects.]

[We find that Attempts have been made to raise a Jealousy in the Nation, that the Colonists are struggling for Independence, than which Nothing can be more injurious. It is neither their Interest nor have they ever shown the least Disposition to be independent of Great Britain. They have always

prided themselves in being British Subjects, and have with the greatest Cheerfulness done every Thing in their Power to promote the common Cause of the Nation And We have Reason to believe that they will ever remain firmly attached to the Mother Country. We are with great Respect

Sir

Your most humble Servants,

JAMES OTIS
THOMAS CUSHING
SAMUEL ADAMS
THOMAS GRAY[1]

DENNIS DEBERDT ESQ.[R]

THE TOWN OF BOSTON TO THE TOWN OF PLYMOUTH. MARCH 24, 1766.

[Boston Record Commissioners' Report, vol. 16, pp. 172-174.]

To the Inhabitants of the Town of Plymouth

GENTLEMEN

The Inhabitants of the Town of Boston legally assembled in Faneuil Hall have receivd with singular pleasure, your respectful Address of the 16th of January last: The warm Sentiments of public Virtue which you therein express is a sufficient Evidence, that the most ancient Town in New England to whose Predecessors this Province in a particular manner is so greatly indebted for their necessary Aids in its original Settlement still retain the truly noble Spirit of our renowned Ancestors—When we recollect

[1] A text, signed also by Edw. Sheafe, is in *Papers Relating to Public Events in Massachusetts*, Philadelphia, 1856, pp. 6–13.

the ardent love of Religeon and Liberty, which inspired the Breasts of those Worthys; which induced them at the Time when Tyranny had laid its oppressive Hand on Church and State in their Native Country, to forsake their fair Possessions and seek a Retreat in this distant Part of the Earth—When we reflect upon their early care to lay a solled Foundation for Learning, even in a Wilderness, as the surest if not the only Means of preserving and cherishing the Principles of Liberty and Virtue, and transmitting them to us their Posterity, our Mind is filled with deep Veneration, and we bless and revere their Memory.—

When we consider the immense Cost and Pains they were at in subduing, cultivating, and settling this Land, with the utmost Peril of their Lives; and the Surprizing increase of Dominion Strength and Riches, which has accrued to Great Britain by their Expence & Labour we confess we feel an honest Indignation to think there ever should have been any among her Sons, so ungrateful as well as unjust and Cruel as to seek their Ruin—

Instances of this too frequently occur in the past History of our Country: The Names of Randolph, of Andross and others are handed down to us with Infamy; And the Times in which we live, even these very Times, may furnish some future Historian with a Catalogue of those, who look upon our rising Greatness with an envious eye; and while we and our Sister Colonies, have been exerting our growing Strength in the most substantial services to the Mother Country, by Art and Intrigue have wickedly attempted to deceive her into Measures to enslave

us—If then Gentlemen, the Inhabitants of this Metropolis, have discovered an invariable Attachment to the Principles of Liberty, when it has been invaded: If they have made the most vigorous Exertions for our Country when she has been threatned with the Loss of every Thing that has been dear: If they have used their utmost Endeavors that she may be relieved from those Difficulties, with which She is at this Time embarrassed; If they have taken the Legal and warrantable Measures to prevent that Misfortune of all others the most to be dreaded, the Execution of the Stamp Act; and as a necessary Means of preventing it, have made any Spirited Applications for opening the Custom House and Courts of Justice; If at the same Time they have bore their Testimony against outrageous Tumults and illegal proceedings, and given any Example of the Love of Peace & good order next to the consciousness of having done their Duty is the Satisfaction of meeting with the Approbation of any of their Fellow Countrymen—

That the Spirit of our venerable Forefathers, may revive and be defused through every Community in this Land: That Liberty Civil and Religeous, the grand Object of their View, may still be felt enjoy'd & vindicated by the present Generation, and the fair Inheritance, transmitted to our latest Posterity, is the fervent wish of the Metropolis—Submitted by—

SAMUEL ADAMS
JOHN RUDDOCK
JOHN HANCOCK

ADDRESS OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. JUNE 3, 1766.

[Massachusetts State Papers, pp. 76–81.]

May it please your Excellency,

The House of Representatives of this province, beg leave to return to your Excellency our congratulations upon the repeal of the stamp act; a most interesting and happy event, which has diffused a general joy among all his Majesty's loyal and faithful subjects throughout this extensive continent.

This is a repeated and striking instance of our most gracious Sovereign's paternal regard for the happiness and welfare of all his subjects. We feel upon this occasion, the deepest sense of loyalty and gratitude. We are abundantly convinced that our legal and constitutional rights and liberties will always be safe under his propitious government. We esteem the relation we have ever stood in with Great Britain, the mother country, our happiness and security. We have reason to confide in the British Parliament, from this happy instance, that all his Majesty's faithful subjects, however remote, are the objects of their patronage and justice.

When we reflect on the difficulties under which this important business labored, and the causes from whence they arose, we are truly astonished that they have been surmounted; and we gratefully resent the noble and generous efforts of those illustrious patriots who have distinguished themselves in our cause. Indeed, when we look back upon the many dangers from which our country hath, even from its first set-

tlement, been delivered, and the policy and power of those, who have to this day sought its ruin, we are sensibly struck with an admiration of Divine goodness, and would religiously regard the arm which has so often shielded us.

Upon so joyful an occasion, we were in hopes your Excellency would have spread a veil over every disagreeable scene in the late times of public calamity; but to our surprise and astonishment, we find your Excellency declaring in your speech, at the opening of the General Court, that this cannot be done till a better temper and understanding shall prevail in general, than there seems to be at present. Though your Excellency has seen reason to form so unfavorable an opinion of the present times, we beg leave, with all humility, to ask, whether so great a liberality as you have shown, in your strictures upon them, has a tendency to make them better?

"Private interests and resentments," "popular discontent," "unlimited abuse on the most respectable characters." These and such like expressions, run through a considerable part of your speech. We should have been glad if your Excellency had given some intimation, at least, that you did not mean to cast reflections on either of the two Houses, to whom your speech was immediately addressed. We have reason to fear, that whatever were your intentions, this construction will be put upon it by those who would be glad to improve the authority of your Excellency to our disadvantage. Upon this account, we find ourselves under a necessity, explicitly to declare to your Excellency, that no private resentments

of ours, have intermixed with popular discontent. We have no interest detached from, or inconsistent with, the common good; we are far from having any "ill purposes" to execute, much less under the "borrowed mask of patriotic zeal," or any other hypocritical disguise. It has ever been our pride to cultivate harmony and union, upon the principles of liberty and virtue, among the several branches of the legislature, and a due respect and reverence for his Majesty's representative in the province. We have endeavored to solicit integrity and ability to the aid of the people, and are very sorry if gentlemen of character have, by any means, been deterred from serving their country, especially in time of danger, when the eyes of all might have been upon them for deliverance. At such a time, for true patriots to be silent, is dangerous. Your Excellency tells us of an unlimited abuse which has been cast upon the most respectable characters, of which you have had no little experience yourself; but you assure us that it has not abated your concern for the welfare of the country, nor prevented your endeavors to promote it. We thank your Excellency; and upon this assurance we have reason to hope you have employed your influence in behalf of this people, at a time when they so much stood in need of it, in representing their behavior, in general, in the most candid and favorable view. In this light his Majesty, his Ministry and Parliament, have been desirous of viewing it, and when this good people shall find that your Excellency has served them in so essential a point, they will, we are sure, be ready "to recognize you in the united

character of a true friend to the province, and a faithful servant of the Crown."

But, may it please your Excellency, we cannot forbear observing, that when you are speaking, as we conceive, of the injustice done his Honor the Lieutenant Governor, the last year, your manner of expression would lead a stranger to think that so horrid an act of villany was perpetrated, by the body of this people. The infatuation, you tell us, "has been carried to such a degree of injustice, that the principal object of the fury *of the people*, was a gentleman to whom they were most highly indebted for his services in the very cause for which they rose against him." Your Excellency, no doubt, means that the whole people, and not a part only, were most highly indebted to this gentleman for his services, and that the particular cause in which he had been engaged, concerned them all; and yet, so infatuated have the body of the people been, that they even rose against this very gentleman, and made him the object of their fury! Is not this the natural meaning of your words? And will it not, sir, afford matter of triumph to the unrelenting enemies of this province, to hear the Governor himself declaring that this was the "prevailing temper of the people;" that such was their "violent and precipitate measures," and that a veil cannot, even now, be drawn over so "disgraceful a scene," because the same temper among the people in general still prevails. There may, sir, be a general popular discontent upon good grounds. The people may sometimes have just reason to complain; your Excellency must be sensible, that in such a circum-

hold ourselves to be quite free in our suffrages; and provided we observe the directions of our charter, and the laws of the land, both which we have strictly adhered to, we are by no means accountable but to God and our own consciences for the manner in which we give them. We believe your Excellency is the first Governor of this province that ever formally called the two Houses of Assembly to account for their suffrages, and accused them of ingratitude and disaffection to the Crown, because they had not bestowed them on such persons as in the opinion of the Governor, were quite necessary to the administration of government. Had your Excellency been pleased in season to have favored us with a list, and positive orders whom to choose, we should, on your principles have been without excuse. But even the most abject slaves are not to be blamed for disobeying their master's will and pleasure when it is wholly unknown to them.

Your Excellency says, "If it should be justified by asserting a right, that is, a legal power to choose whom we please, without regard to any considerations whatever, the justification itself will tend to impeach the right." We clearly assert our charter rights of a free election. But for your Excellency's definition of this right, viz. "a legal power to choose whom we please, without regard to any considerations whatever," we contend not. We made our elections after the most mature and deliberate consideration, and had special regard to the qualifications of the candidates, and all circumstances considered, chose those we judged most likely to serve his Majesty, and pro-

mote the welfare and prosperity of his people. We cannot conceive how the assertion of our clear charter right of free election can tend to impeach that right or charter. We would hope that your Excellency does not mean open and publicly to threaten us with a deprivation of our charter privileges, merely for exercising them according to our best judgment and discretion. As to us, as our charter is, we should think it of very little value, if it should be adjudged that the sense and spirit of it require the electors should be under the absolute direction and control of the Chair, even in giving their suffrages. For whatever may be our ideas of the wisdom, prudence, mildness and moderation of your administration, of your forgiving spirit, yet we are not sure your successor will possess those shining virtues.

We are very sensible that be our right of election ever so clear and absolute, there is a distinction between a right and the propriety of exercising it. This distinction we hope, will apply itself with full force, and all its advantage to your Excellency's reluctant exertion of the prerogative in disapproving six of the gentlemen chosen by the two Houses of Assembly. But this being a matter of discretion, is solely within your Excellency's breast, and we are taught by your just distinction, that such is the gift of suffrages. It therefore gives us great pain to have our discretion questioned, and our public conduct thus repeatedly arraigned.

Your Excellency has intimated your readiness to concur with us in any palliative or expedient to prevent the bad effects of our elections, which you think

must surely be very hurtful to the province, if it should be maintained and vindicated. But, as we are under no apprehensions of any such effects, especially when we reflect on the ability and integrity of the Council your Excellency has approved of, we beg leave to excuse ourselves from any unnecessary search after palliatives or expedients.

We thank your Excellency for your kind assurances of "using all means to save the credit of this province." But we conceive that when the true state of the province is represented and known, its credit can be in no kind of danger. The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we shall embrace the first convenient opportunity to consider and act upon. In the mean time cannot but observe, that it is conceived in much higher and stronger terms in the speech than in the letter. Whether in thus exceeding, your Excellency speaks by your own authority, or a higher, is not with us to determine.

However, if this recommendation, which your Excellency terms a requisition, be founded on "so much justice and humanity that it cannot be controverted:" If "the authority with which it is introduced should preclude all disputation about complying with it," we should be glad to know what freedom we have in the case.

In answer to the questions which your Excellency has proposed with so much seeming emotion, we beg leave to declare, that we will not suffer ourselves to be in the least influenced by party animosities or domestic feuds, let them exist where they may: that

if we can possibly prevent it, this fine country shall never be ruined by any person: that it shall be through no default of ours, should this people be deprived of the great and manifest advantages which the favor and indulgence of our most gracious Sovereign and his Parliament are even now providing for them. On the contrary, that it shall ever be our highest ambition, as it is our duty, so to demean ourselves in public and private life, as shall most clearly demonstrate our loyalty and gratitude to the best of Kings, and thereby recommend this people to further gracious marks of the royal clemency and favor.

With regard to the rest of your Excellency's speech, we are sorry we are constrained to observe, that the general air and style of its savors much more of an act of free grace and pardon, than of a parliamentary address to the two Houses of Assembly; and we most sincerely wish your Excellency had been pleased to reserve it (if needful) for a proclamation.

THE TOWN OF BOSTON TO DENNYS DE BERDT. OCTOBER 22, 1766.

[MS., Samuel Adams Papers, vol. i, Lenox Library; a modified text appears in Boston Record Commissioners' Report, vol. 16, pp. 191–194.]

SIR

The Freeholders & other Inhabitants of the Town of Boston being legally assembled in Faneuil Hall have appointed as a Com^te^ to address you in their Behalf & to beg your friendly assistance as you shall judge necessary in an Affair in which they apprehend their Reputation & Interest may be greatly concernd——

that so united a supplication of his American subjects was graciously considered by him; and with regard to those to the two Houses of Parliament, one of them at least we know was highly approved of by the chairman of the committee for American affairs, was read in the House of Commons, and supported by Mr. Pitt; it was never rejected, and we cannot suppose it failed of due attention merely for want of form. In truth sir, we look back with the utmost pleasure upon the wisdom of the last House of Representatives, in proposing such a union of the colonies; and although some have taken great pains to lessen the weight and importance of the late congress in the minds of the people, we have the strongest reason to believe that their firm and prudent measures had a very great influence in procuring this happy repeal.

You are pleased to make a declaration that "whenever an opportunity shall offer to restore harmony and union to the provincial councils, you will most cordially embrace it." The time, sir, is already come; never was there so happy a juncture, in which to accomplish so desirable an end; and it will be the pride of this House to improve it; with this disposition we come together. If any expression or sentiment in your speech should have a contrary effect, as it will so far defeat our honest intention, it will fill us with real concern. Permit us also to say, that it will disappoint the expectations of his Majesty and the Parliament in repealing the stamp act; for it is most reasonable in them to expect that the restoration of the colonies to domestic peace and

tranquillity will be the happy effect of the establishment of their just rights and liberties.

When your Excellency shall "be assisted by special instruction, and speak to us with greater authority than your own," we shall be all attention; being assured, from past experience, that everything coming from his Majesty will be full of grace and truth.

ANSWER OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR'S SPEECH. JUNE 5, 1766.

[Massachusetts State Papers, pp. 88–91.]

May it please your Excellency,

THE House have fully considered your Excellency's speech of the third instant, and beg leave to observe, that as on the one hand no consideration shall ever induce us to remit in the least our loyalty and gratitude to the best of Kings, so on the other, no unprovoked asperity of expression on the part of your Excellency can deter us from asserting our undoubted charter rights and privileges. One of the principal of those is, that of annually choosing his Majesty's Council for this province.

Had the most excellent letter from one of his Majesty's principal Secretaries of State, which has been communicated to the House, arrived sooner, it could not have prevented the freedom of our elections; nor can we, on the strictest examination of the transactions of the day of our general election, so far as the House was concerned, discover the least reason for regret. So long as we shall have our charter privi-

leges continued, we must think ourselves inexcusable, if we should suffer ourselves to be intimidated in the free exercise of them. This exercise of our rights can never, with any color of reason, be adjudged an abuse of our liberty.

Lest we should be at a loss for the proceedings and transactions which have given your Excellency so much uneasiness, you have been pleased to inform us, in express terms, that you "mean the excluding from the King's Council the principal Crown Officers; men not only respectable in themselves for their integrity, their abilities and their fidelity to their country, as well as to their King, but also quite necessary to the administration of government in the very station from whence we have displaced them." Had your Excellency thought fit to have favored us with your sentiments and opinion of the candidates previously to the election, it could not have more arrested our attention as a breach of our privileges; and it would surely be as proper to give intimations of this kind before, as now the business is past a remedy, for this year at least. The Assembly of another year will act for themselves, or under such influence and direction as they may think fit. The two Crown Officers who were of the Honorable Board the last year, and not chosen this, are the Lieutenant Governor and Secretary. The other gentlemen of the Board last year, who are not chosen this, hold only provincial commissions. This province has subsisted and flourished, and the administration of government has been carried on here entirely to the royal approbation, when no Crown Officers had a

seat at the Board, and we trust this may be the case again. We find not in the Secretary of State's letter the least intimation that it was expected by his Majjesty or his Ministry, that we should elect into his Majesty's Council the principal, or indeed any other Crown Officers. For anything that appears in the letter, we are left entirely to the exercise of our own judgment and best discretion in making our elections agreeably to the royal charter.

If it is not now in our power in so full a manner, as will be expected, to show our respectful gratitude to the mother country, or to make a dutiful, affectionate return to the indulgence of the King and Parliament, it shall be no fault of ours; for this we intend and hope, we shall be able fully to effect.

We cannot persuade ourselves that it must and will be understood that those gentlemen were turned out, as your Excellency is pleased to express it, for their deference to acts of the British Legislature. We have given the true reason of this proceeding in our answer to your Excellency's first speech of this session. We are under no apprehension that when the true grounds and reasons of our proceedings are known and candidly considered, we shall be in the least degree chargeable with unthankfulness and dissatisfaction on ground of former heat and prevailing prejudice, or on any other ground.

Your Excellency says, "it is impossible to give any tolerable coloring to this proceeding." The integrity and uprightness of our intentions and conduct is such, that no coloring is requisite, and therefore we shall excuse ourselves from attempting any. We

hold ourselves to be quite free in our suffrages; and provided we observe the directions of our charter, and the laws of the land, both which we have strictly adhered to, we are by no means accountable but to God and our own consciences for the manner in which we give them. We believe your Excellency is the first Governor of this province that ever formally called the two Houses of Assembly to account for their suffrages, and accused them of ingratitude and disaffection to the Crown, because they had not bestowed them on such persons as in the opinion of the Governor, were quite necessary to the administration of government. Had your Excellency been pleased in season to have favored us with a list, and positive orders whom to choose, we should, on your principles have been without excuse. But even the most abject slaves are not to be blamed for disobeying their master's will and pleasure when it is wholly unknown to them.

Your Excellency says, "If it should be justified by asserting a right, that is, a legal power to choose whom we please, without regard to any considerations whatever, the justification itself will tend to impeach the right." We clearly assert our charter rights of a free election. But for your Excellency's definition of this right, viz. "a legal power to choose whom we please, without regard to any considerations whatever," we contend not. We made our elections after the most mature and deliberate consideration, and had special regard to the qualifications of the candidates, and all circumstances considered, chose those we judged most likely to serve his Majesty, and pro-

mote the welfare and prosperity of his people. We cannot conceive how the assertion of our clear charter right of free election can tend to impeach that right or charter. We would hope that your Excellency does not mean open and publicly to threaten us with a deprivation of our charter privileges, merely for exercising them according to our best judgment and discretion. As to us, as our charter is, we should think it of very little value, if it should be adjudged that the sense and spirit of it require the electors should be under the absolute direction and control of the Chair, even in giving their suffrages. For whatever may be our ideas of the wisdom, prudence, mildness and moderation of your administration, of your forgiving spirit, yet we are not sure your successor will possess those shining virtues.

We are very sensible that be our right of election ever so clear and absolute, there is a distinction between a right and the propriety of exercising it. This distinction we hope, will apply itself with full force, and all its advantage to your Excellency's reluctant exertion of the prerogative in disapproving six of the gentlemen chosen by the two Houses of Assembly. But this being a matter of discretion, is solely within your Excellency's breast, and we are taught by your just distinction, that such is the gift of suffrages. It therefore gives us great pain to have our discretion questioned, and our public conduct thus repeatedly arraigned.

Your Excellency has intimated your readiness to concur with us in any palliative or expedient to prevent the bad effects of our elections, which you think

must surely be very hurtful to the province, if it should be maintained and vindicated. But, as we are under no apprehensions of any such effects, especially when we reflect on the ability and integrity of the Council your Excellency has approved of, we beg leave to excuse ourselves from any unnecessary search after palliatives or expedients.

We thank your Excellency for your kind assurances of "using all means to save the credit of this province." But we conceive that when the true state of the province is represented and known, its credit can be in no kind of danger. The recommendation enjoined by Mr. Secretary Conway's letter, and in consequence thereof made to us, we shall embrace the first convenient opportunity to consider and act upon. In the mean time cannot but observe, that it is conceived in much higher and stronger terms in the speech than in the letter. Whether in thus exceeding, your Excellency speaks by your own authority, or a higher, is not with us to determine.

However, if this recommendation, which your Excellency terms a requisition, be founded on "so much justice and humanity that it cannot be controverted:" If "the authority with which it is introduced should preclude all disputation about complying with it," we should be glad to know what freedom we have in the case.

In answer to the questions which your Excellency has proposed with so much seeming emotion, we beg leave to declare, that we will not suffer ourselves to be in the least influenced by party animosities or domestic feuds, let them exist where they may: that

if we can possibly prevent it, this fine country shall never be ruined by any person: that it shall be through no default of ours, should this people be deprived of the great and manifest advantages which the favor and indulgence of our most gracious Sovereign and his Parliament are even now providing for them. On the contrary, that it shall ever be our highest ambition, as it is our duty, so to demean ourselves in public and private life, as shall most clearly demonstrate our loyalty and gratitude to the best of Kings, and thereby recommend this people to further gracious marks of the royal clemency and favor.

With regard to the rest of your Excellency's speech; we are sorry we are constrained to observe, that the general air and style of its savors much more of an act of free grace and pardon, than of a parliamentary address to the two Houses of Assembly; and we most sincerely wish your Excellency had been pleased to reserve it (if needful) for a proclamation.

THE TOWN OF BOSTON TO DENNYS DE BERDT. OCTOBER 22, 1766.

[MS., Samuel Adams Papers, vol. i, Lenox Library; a modified text appears in Boston Record Commissioners' Report, vol. 16, pp. 191–194.]

SIR

The Freeholders & other Inhabitants of the Town of Boston being legally assembled in Faneuil Hall have appointed as a Com^te^ to address you in their Behalf & to beg your friendly assistance as you shall judge necessary in an Affair in which they apprehend their Reputation & Interest may be greatly concernd——

Before we proceed to the particular matter which is the Occasion of our writing we beg leave to observe that upon the happy repeal of the late Stamp Act, we were informd that our Adversarys had even predicted that America would receive the News in a manner, haughty & disrespectfull to His Majesty & the Parliament—And we have seen with astonishment & Indignation, in the Protest of some of the Lords against the Repeal, that one Reason of their Lordships Protest was, that they had been made acquainted that it was the Design of the Americans to bring the Authority of Parliament for the future into Contempt. We have Reason to believe that the Decency which was observd by Persons of every rank in all the Colonys in their publick rejoycings upon that memorable Occasion has convincd the sensible & impartial Part of the nation that such Apprehensions & Predictions were without just Grounds; & we flatter our selves that their Lordships may by this time have reason to conclude that their Information from this side the Water was at least sudden & injudicious, & perhaps the Effect of a deep rooted Prejudice against the Colonys, a strong desire to have the Act enforcd & a Determination at all Hazards to prevent its repeal.

The Truth is, the Colonys who universally pride themselves in being British Subjects, & have the warmest Sense of the Blessings of the British Constitution, for ever considerd the Act as a Violation of that happy Constitution, & they have the Satisfaction of being informd that this Opinion was supported by a Number of the most illustrious as well as

respectable of both houses of Parliam^t. In this View of the nature of the Act the Colonys first Petitiond against it even when it was a Bill but without Success & afterwards came into resolutions to transmit to Posterity their Sense of it, with Assurance that if it was finally put into Execution it w^d not be with their Consent. The People universally opposd the Act but at the same time discoverd the most zealous Attachment to his Majestys Person & governm^t & the strongest Affection to their fellow Subjects the People of Great Britain. This we know some of our Enemys have endeavord to represent as a Paradox,& from an uneasiness or if they please an opposition to a single Act, upon an apprehension of its being unconstitutional, they would inferr a settled Design to bring the whole Authority of Parliam^t into Contempt as if it could not possibly be supposd of an affectionate & dutifull son whose reverence for his fathers Authority could never be impeachd, that yet in a single Instance might see.the unreasonableness of his Fathers Command & with the deepest regret be even ready to refuse Obedience. An Opposition to an Act of Parliam^t merely from a regard to the Constitution cannot surely be lookd upon as a Contempt of the Authority of Governm^t since Government it self is built upon & circumscribd by the Constitution, or in other Words to contend for the grand Design & Ends for which Governm^t was originally instituted is the best if not the only Way to support its Authority. The Colonys were discontented with the Act because they thought it overleapt the Bounds of the Constitution—that it defeated one of the essential Designs

of Governm[t] in the Security of Property. If they were in an Error it was an Error of their Judgment only of which however they have never yet been convincd—to insinuate that the Opposition to the Act was mere pretence & that the Design to the Colonys was to weaken the just Authority of Parliam[t] & by degrees to shake off a constitutional Dependence is unsupportable by a single fact or the least Shadow of reason; it is base ungenerous & unjust.

This Town has always been very carefull during the late Times of Calamity to preserve as much as possible Good order among its Inhabitants, of which they gave an Early Proof when a dangerous Mob arose & some Outrages were committed by Persons as yet unknown. A good deal of Mischief was done as all the World have been told, however after all the Exaggerations the whole Dammage is short of £4000 — but it will appear the less surprizing that so much was done when it is considerd that the Mob was sudden & unexpected & appeard so furious as to occasion a general Consternation, & besides it being in the night, it was not easy to distinguish between them & the innocent People. Yet the Inhabitants were far from being inactive in their Endeavors to suppress immediately — they made diverse Attempts & took every step that could be thought of amidst the Confusion. A number went to the Gov[rs] House to take his Excys Orders but he was not in town — from whence one would conclude that he was no more apprehensive of such a tumult from any Appearances than others were. If there had been any reason to have expected it, we presume his

Excys Care for the Peace & Order of the Governmt wd have procurd the first Intelligence & that he wd have thought it his duty to have been present or at least that he wd have taken the necessary Precautions & given Orders to have prevented it — but the Inhabitants were left to do the best they could, & there is no doubt but much more mischief wd have been done if they had not made use of Art & Perswasion when they fortunately wanted the Countenance of his Excys Authority As a town they express'd their Detestation of such Proceedings early the next day and assured the civil Magistrate that they were ready to assist to their utmost in restoring the Peace of the Town as you will see by the inclosd vote & we may venture to assure you that the Efforts of Persons of every order & Condition in town in Consequence of this Resolution was the principal Means of suppressing the Mob which was done in one day. Yet we have been ungratefully & publickly chargd with being tame Spectators of this Outrage & have been told that our reputation suffers much in the Opinion of the World on this Account. But whatever representation may have been made to our Prejudice, which we think we have some good reason to suspect, our most inveterate Enemy dare not openly assert that the civil Authority in this County & even thro the Province has not as good reason to be assured of the Assistance of the People in the legal Exercise of Power as in any County in England.

This leads us to give you an Account of some late Occurrences in this Town which is the particular

Occasion of our troubling you with this Letter. A few Weeks past the Collector & Comptroller of his Majestys Customs for this Port having, as they said, an Information that goods illegally imported were lodgd in the Custody of one M^r^ Malcomb an Inhabitant of the Town, they accordingly repaird to his House accompanied with the Sherriff of the County & there demanded an Entry into his Cellars. M^r^ Malcomb admitted them into every Apartment, saving one which being let he told them the Key was not in his Possession. They threatned to enter by force, which M^r^ Malcomb told them they must do at their Peril — however not having sufficient Authority as they apprehended, they then retired, M^r^ Malcomb supposing they w^d^ return, determind to fasten his house that if they enterd it sh^d^ be forceably, being assurd from the Declaration of the Person who hired the aforesaid Cellar & his own knowlege of the other Apartments that no Countraband Goods were there. The Officers returnd in the Afternoon & after some Attempts tho without Violence to get an Entry they again retired & came no more.

His Excy our Gov^r^ has been pleasd to summon the Officers & Sherriff before mentiond & some other Persons to give their Depositions respecting this Matter. The Town thinking it unreasonable & a Grievance that Evidences should be taken ex parte touching the Conduct of any of their Inhabitants at their Meeting Appointed a Com^te^ to wait on the Gov^r^ & pray his Excy to give Orders to the Secretary to communicate to the Town Clerk Copys of the Depositions, w^ch^ was afterwards done. Upon a

Perusal of them the Town apprehended that they containd a partial Account of the Behavior of the People who from mere Curiosity had got together, that they tended to corroborate the Designs of our Enemy, & might be made the Ground of further misrepresentations, & therefore directed their Comtᵉ to take the Depositions of other Persons of Credit who were present Copys of which together with those taken before the Govʳ in Council are inclosd.

It is apprehended that it is his Excys Design to transmit his Account of this Matter to the Ministry, & therefore the Town beg the favor of you to make Enquiry whether he has so done, & in Case he has, that you would cause to be laid before the Ministry the whole State of the Matter. We have the more reason to apprehend that this Step will be taken, as things of this Sort have been heretofore done: There is a Set of Men in America who are continually transmitting to the Mother Country odious & false Accounts of the Colonys; which is a Crime of the most dangerous Tendency. It is probable it has already had its ill Effect in exciting a groundless Jealousy in the nation, & may, if not checkd, too soon prove fatal to both Countrys. It is not long since the Depositions of a Number of Persons were clandestinely & illegally taken, in direct terms prejudicing the Characters of some Gentlemen of fortune & reputation in this Town, and representing the Merchᵗˢ of the Province in general as setting up in Opposition to the Acts of Parliamᵗ for the Regulation of Trade, than which nothing can be more notoriously false & injurious. One of their De-

ponents was a Person of the most infamous Character, whose name is Richardson. This Fellow has for a long time subsisted by the Business of an Informer & is said to be such an one as was never encouragd under any Administration but such as those Nero or Caligula — that the Evidence of this detestable Person might have its Weight, they gave him the Addition of Esquire. We say these Depositions were clandestine because they were taken ex parte— the Person injurd by them were never notifyd as Law & common Equity requires, & the first notice they had of them was from their friends on your side the Water, after they had made the Impressions that were intended. If such mannagements as these are allowd, What Man or what Corporation is secure from Proscriptions! We must confess that the whole Affair in all its Circumstances will appear too trifling to claim the Attention of the gov[r] or the Town, but the hopes of defeating the Designs of their Enemys & an earnest Desire to stand fair in the Mind of their Sovereign & his ministers as well as their friends & all good Men at home especially at this Juncture: they hope will excuse their giving you this Trouble.[1]

I am
Sir
Your most humble servant
JAMES OTIS.
P Order of the Committee.

P. S. The Town have passed a Vote to reimburst any charge in your conducting this Affair——

[1] From this point the manuscript draft is not in the autograph of Adams.

TO DENNYS DE BERDT.

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

BOSTON NOVR 11 1766.

SIR

The House of Representatives have receivd your several Letters of 28 July, the 6th Augt[1] & 19th Septr.[2] Your early Care to get their humble Address[3] presented to our most gracious Sovereign is very agreable to them. It is a great Satisfaction to the House, that as this Province is second to no one of his Majestys Colonys in Point of Loyalty, this publick Testimony of it was the first that arrivd on the same Occasion from America. They acknowlege with all possible Respect & Gratitude the Letters they have receivd from their Friends & Patrons, & now inclose you their Vote of Thanks to several others, whom they had the great Misfortune to omit.

Your Letter of the 6th of Augt mentions Lord Darmouth[3] having heard "that this Assembly had *refusd* to make the Indemnification *recommended* by Parliament." The House have the most gratefull Sense of his Lordships Concern for us, & beg that you would assure his Lordship, that the Information he had receivd, was without Grounds. His Majestys most gracious & mild Recommendation, a Term which his Lordship & our noble & generous Patrons took so much Pains to use, was construed by the Govr of this Province into a Requisition precluding all Deliberation: And his Excy is pleasd

[1] Printed in *Massachusetts State Papers*, p. 101.

[2] *Ibid.*, p. 102.

[3] *Ibid.*, pp. 91, 92,

to tell the House[1] that it was expected that Compensation be made to the Sufferers at all Events: Such Language from the Chair, to the representatives of a free People, who hold their Right of granting their Constituents moneys, uncontroulable, must unavoidably be very displeasing & how far it comports with the lenient methods so strongly urgd in Mr Secretary Conways Letter above a year ago, it is needless at present to say. An exact Compliance with his Majestys gracious Intentions, that every conciliatory Purpose should be pursued, could not have faild of producing the most happy Effects, in promoting harmony among the several Branches of Legislature, ever most earnestly desired, as well as Peace & Quietness among the People; but we are under a Necessity of saying that, this Matter of Compensation was always mentiond to the House in a Manner derogatory to their Honor & in Breach of their Privileges. This the House would have been far from mentioning now had not his Excy at this Session referrd us to his former Speeches on the Subject without saying any thing to qualify or soften them.

The House however was so far from refusing to comply with the Kings recommendation, that they ever attended to it with the most dutifull respect, & referrd the Matter to this Session that in the mean time *they* might have an Opportunity to consult their Constituents, & the Suffer . . . . make Application in a parliamentary Way . . . they

[1] Governor Bernard to the House of Representatives, June 27, 1766; *Massachusetts State Papers*, pp. 94, 95.

have done at this session. The house have in the present Session repeatedly & most dispassionately considerd M^r^ Secretarys Letter: And observing that it is therein declared to be his Majestys most pious Resolution that not only Compensation should be made to the Sufferers, but the Undutifull Behavior of any of his Subjects in the late unhappy times should be forgiven & forgot: And being deeply impressd with His Majestys Royal Clemency, they have framd a Bill for making Compensation & to indemnify accordingly. The Bill is publishd by Order of the House for the Consideration of the People, & there is good reason to expect that the Matter will be compleated at our Winter Session.[1]

TO DENNYS DE BERDT. NOVEMBER 15, 1766.

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

SIR

By this Conveyance I have written you in Conjunction with John Hancock Esq^r^ as a Com^t^ of the House of Representatives[2] upon a Petition of M^r^ Tho^s^ Boylston, who has been a great Sufferer by the Mal Conduct of diverse Crown Officers as youl see by his papers. I now beg leave as a private Individual to acquaint you that his Case is not singular. There have been other Instances of the

[1] The bill was finally passed December 6, 1766, and disallowed by the Privy Council, May 13, 1767. An elaborate note on the proceedings is in *Acts and Resolves of the Province of Massachusetts*, vol. iv., pp. 931–945.

[2] The manuscript of this letter, consisting of three pages, of which eight lines are in the autograph of Adams, is still extant, although privately owned.

same kind, & if they should multiply, & no redress had, it will not only discourage the Trade of America which is really the Trade of Great Britain, but also tend to excite a Jealousy in the Minds of the People here of the Mother Country which every Well wisher to both would carefully prevent if possible. Besides as the House have written to you that there is good Reason to expect that a Compensation to the Sufferers by the late Disorders here will be compleated at the Winter Session; When that is done I think a strong Argument may be deducd therefrom in favr of Mr Boylston, for if the Govt here make good the Damages done to the Officers of the Crown by a Lawless unknown Rabble, the Justice of the Nation will as surely make good the Dammage done to a private Subject by their Officers, in Instances, one of wch had but a bare pretence & the other not the least Color of Law, especially as in the latter Case the Sufferer can have no hopes of Redress but from the Lenity of the Governmt.

Since I have mentiond Compensation, allow me to give you a short Accot of the Manner in which that Matter has been conducted here. The Govr first introducd it in a Speech to the House in Sept 1765[1] advising them to make a Compensation of their own Accord before any *Requisition* shd be made to them, to wch the House replyd that they highly disapprovd of the Violences committed, but till they were convincd that their making Compensation wd not tend to encourage such Outrages for

[1] September 25, 1765; *Massachusetts State Papers*, p. 42.

time to come, & till some good Reason could be assignd, why those Losses sh[d] be made good, rather than, any Damage w[ch] other Persons on any different Occasions m[t] suffer they could not see their way clear &[c] withal adding that they c[d] not conceive who had any Right to require it of them.[1]

Thus the Matter rested till the next May Session when his Excy was displeasd with the two Houses for the Elections they had made,[2] & gave them a Speech w[ch] displeasd them as much. At this time the Gov[r] rec[d] M[r] Secretary Conways Letter & his Majesty's Orders to lay before the Assembly his recommendation for making Compensation. The Gov[r] introducd it with another Speech[3] more displeasing than the former, telling the two Houses that they had *anticipated* the Expectations of the King & Parliam[t] & disappointed them—that it was not in their Power in so full a Manner to make a dutifull & affectionate Return to y[e] Indulgence of the King & Paliamr[t]—that they could not avoid being chargeable with Unthankfulness on Ground of former heats & that it was impossible to give any tollerable Coloring to their Proceedings. And in the same Speech construing the Kings most gracious Recommendation into a Requisition precluding all Deliberation.

[1] October 23, 1765; *Massachusetts State Papers*, p. 48.

[2] The members of the General Court omitted to re-elect to the Council five leading members of the government party, Thomas Hutchinson, Andrew Oliver, Peter Oliver, Edmund Trowbridge and Benjamin Lynde, all office-holders, of whom Governor Bernard spoke as the government's "best and most able servants, whose only crime is their fidelity to the Crown."

[3] June 3, 1766; *ibid.*, p. 81.

The House resented this treatmt in their Answer. However they took the Matter into Consideration & acquainted his Excy that they viewd it not as an Act of Justice but rather of Generosity, & that they did not think they had a Right to dispose of their Constituents Money for such a Purpose without their consent. Moreover the Sufferers had not yet applyd to them in a parliamentary Way. For these Reasons they referrd the further Consideration of the Matter to their next Session that they mt consult their Constituents thereupon. After which the Court was prorogued from time to time till the 29 October.

In this time the People made the Matter of Compensation the Topick of their Conversation. The Govrs speeches were publishd & gave them great disgust. They were jealous of the Right of their Representatives, to make so important a Subject as the granting away their Money for such a Purpose, a Matter of their own *Deliberation* & perhaps did not so much attend to the Utility of the Measure proposd as the Manner in which it was laid before the House by the Govr. This together with another Circumstance viz the Sufferers themselves not being the most popular men, I am apt to think was the Occasion, that the Generality of the Members of the House or rather the Majority of them were instructed against making Compensation.

The Court came together the 29 Ult. & the House considerd & debated upon the Subject with the greatest Deliberation & Candor.

The Objections against a Compensation were, That Justice did require it as the Province owed the

Sufferers Nothing nor was there room for Charity, they being not the Objects of it: That the Kings Recommendation was grounded on the Opinion & resolution of the House of Commons "that we ought to make Compensation," but tho the Judgment of the House of Commons might be allowd to be superior in general to that of the House of Representatives, yet this Case might be excepted, they not being upon the Spot, & so not acquainted with necessary Circumstances upon which to form a right Judgment; & therefore no reasonable Exception could be taken against the House for not making the Compensation, unless *they themselves* were of Opinion that they ought so to do. Those who were in favor of the Question urgd his Majestys very gracious recommendation, & the great Deferrence which ought to be paid to it, which was on all sides freely allowd & acknowledgd: That the Term recommendation was perfectly consistent with our Liberty, upon w^ch^ we m^t^ grant our Money *freely:* That our good Friends at home all hoped we should comply, & that our Enemys only, hoped we should not: That it was of the greatest Importance to both Countrys, that a good Understanding & Harmony s^hd^ be preservd between Great Britain & her Colonys: And that making Compensation w^d^ tend to promote Peace & Quietness in the Province. These & other reasons were so strongly urgd that the Generality of the House seemd to be convincd that it was most eligible to do it, but the Majority were restraind by Instructions to the Contrary, to which in this Country the strictest regard is had. The House finally agreed

upon a Bill to compensate the Sufferers & indemnify the offenders w^ch^ appeard to them Exactly conformable to His Majestys most benevolent Intentions; Which Bill is publishd for the Consideration of the People, & it is hoped & expected will pass into a Law the next Session.

I must ask Pardon for taking up so much of your Attention & am with very great Esteem

S^r^ y^r^ most hum^e^ Serv^t^

TO DENNYS DE BERDT. DECEMBER 2, 1766.

[MS., Samuel Adams Papers, vol. i, Lenox Library.]

SIR

I wrote you on the 15 ult by Cap Devenson. I then undertook to give you a short Account of the several Steps that had been taken by the Gov^r^ & the House of Representatives respecting a Compensation to the late Sufferers—the Gen^l^ Court was adjournd the 13 & will meet tomorrow—on the Day of the Adjournm^t^ the Gov^r^ communicated to the House a Let^r^ he had just rec^d^ from the R^t^ Hon the Earl of Shelburne in w^ch^ his Lordship tells him, that he had rec^d^ his late Letters & their Inclosures & had communicated them to his Majesty & that His Majesty is extremely sorry &c.[1]

You will easily believe that it must be to the greatest Degree grievous to every loyal & affectionate Subject, to be under the Displeasure of Sovereign.

[1] The letter is printed in *Massachusetts State Papers*, pp. 99, 100.

And I dare say his Lordships Letter has occasiond the utmost Concern in the Mind of every one who has seen it, except those who may be supposd to have abusd the Province. It is certain that some Person has misrepresented us, & many of the best sort of People here, are of Opinion that the Person who has done it, is under such Obligations to this Province as should have made him blush to have conceivd a Thought of it. It is often a misfortune to the Colonys that those from whom it is expected that the most authentic Accounts sh^{d} be transmitted of our Character & Circumstances are too much under the Power of Prejudice to be impartial Relators of Truth, & yet their Station may be such as easily to gain full Credit on your side the Water. You cannot wonder Sir that we are very sollicitous to know what representations have been made of us to His Majesty to occasion his Displeasure, & by whom. It seems to be no more than justice that we sh^{d} be made acquainted with these things, otherwise it is out of the Power of innocent Persons to defend themselves against the blackest slander.

The House of Representatives were told by the Gov^{r} in his Speech last May, that they could not avoid being chargeable with Unthankfulness to his Majesty & the Parliam^{t} on Ground of former heats. I never yet heard any good why his Exc^{y} sh^{d} form such a Conclusion. It is undeniable that the People rec^{d} the News of the repeal of the Stamp Act with equal Gratitude & Joy, and the two houses afterwards met in Gen^{l} Assembly with a very happy Disposition. It is true their Elections were displeasing

to the Gov^r^, but the Assembly acted agreable to the Dictates of their own minds & as they apprehended for the publick Good. The Gov^r^ negativd six of the Gentlemen elected,[1] as a legal & constitutional Power in his hands to maintain the Kings Authority ag^t^ what he expressly called an Oppugnation of it. It seems y^e^ Assembly omitted several Gen^n^ who had before been Councellors, & whom his Excy was very fond of upon w^ch^ he was pleasd to tell them, that "When the Gov^t^ is attackd in form, when there is a professd intention to deprive it of its best & ablest Serv^ts^ whose only Crime is their fidelity to the Crown he could not be indifferent." At the same time he declared "that he w^d^ use his utmost Endeavors to heal Divisions & bury Animositys." But how easy w^d^ it have been to have foreseen that such high resentm^t^ & sharp Language, must have had a different Effect. And so it provd; for the harmony between the Gov^r^ & the People w^ch^ is so necessary for the Support of Gov^t^, & a mutual Confidence w^ch^ was greatly interrupted the last year, by means of the Severity of Expression in the Speeches then deliverd, seems to me to be irrecoverably lost. But whatever Disputes may subsist between y^e^ Gov^r^ & y^e^ People, there is most certainly, no ill temper in the least Degree prevailing w^th^ regard to his Majesty or the Parliam^t^ or our happy Connection with the mother Country. You are sensible of the Sentiments of y^e^ house, expressd in their humble Address to his Majesty, & their Letters to their friends & patrons: You

[1] James Otis as Speaker, and Messrs. Otis, Gerrish, Saunders, Bowers, Sparhawk, and Dexter as Councillors; May 29, 1766.

may depend upon their Sincerity; & that no Severitys here will induce this People to abate their warmest Attachm^{t} to his Majestys Person family & Gov^{t}, their Acknowlegm^{ts} to their illustrious Patrons & their affectionate regard to their fellow Subjects in G. B.— Of this I doubt not you will soon have a fresh Instance: for when the Compensation is made, I believe it may be truly said that the only motive that c^{d} have prevaild in fav^{r} of it, was a sacred Regard to the royal recommendation, & a strong desire to gratify the Inclinations of our obliging friends.

It may be necessary before I finish to beg your patience while I give you the reasons, w^{ch} probably inducd the two houses to leave out several Gent of undoubted Abilitys who had been Councellors for some years before, tho the Assembly differd from his Excy in Opinion "that they were quite necessary for y^{e} Administrat^{n} of Gov^{t} in y^{e} very Stations from whence they were displacd." He says that "it must & will be understood that they were turnd out for their Deferrence to Acts of y^{e} British Legislature." His Excy with great Submission ought to have been very certain before he gave this as a reason: Indeed it must be said he is pretty positive when he adds "you will not, you cannot avoid being chargeable with unthankfulness on Ground of former heats" and, "that it is impossible to give any tollerable Coloring to this Proceeding." Now if it was known to our friends at home, that there has been for many years past a great Uneasiness, that the Lieut^{t} Gov^{r} of the Province & the Judges of the Superior Court sh^{d} sit at the Council Board, as part of the legislative Power,

because it was such a Union of the several Powers of Govt in the same Persons, as upon the Principles of the best Writers is dangerous to Liberty I say if this was known to our friends, as it was in fact the Case, they mt still entertain a favorable Opinion of us, even tho they should not approve of our reasoning; & I am perswaded, wd his Majesty be made acquainted that the Assembly were governd by such a Motive it wd at least serve to remove that Displeasure wch he has discoverd, upon its being represented to him, as it is supposd that they acted in Contempt of his Authority & left out Gentn for their fidelity to the Crown & their Deference to Acts of Parliamt.

I make no Doubt sir but you will make the best Use of the Means your friends may put into your Power to vindicate a very loyal but very much injured Province & am with strict truth

Your &c

TO CHRISTOPHER GADSDEN.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library; an incomplete text appears in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 132, 133.]

Boston Decr 11 1766

Sir

I have no other Apology for writing a familiar Epistle to a Gentleman perfectly a Stranger to me than to gratify the request of my good Friend Mr

[1] On Gadsden, see E. McCrady, *History of South Carolina, 1719–1776*, and *Ibid.*, 1775–1780, *passim*.

John Hurd who has promisd to deliver this Letter with his own hand—to him I must refer you, & beg you candidly to receive the best Excuse he can make. I have indeed often heard, another of my valuable friends mention you with great Respect: This Gentleman, Mr Otis, had the pleasure of sitting with you in the late Congress at New York, & he has frequently told me that you were a zealous Assertor of the most important Cause in which the British Colonys were then struggling. Happy was it for us that a Union was then formd, upon which in my humble Opinion the Fate of the Colonys turnd. What a Blessing to us has the Stamp Act eventually, or to use a trifling word virtually provd, which was calculated to enslave & ruin us. When the Colonys saw the common Danger they at the same time saw their mutual Dependence & naturally calld in the Assistance of each other, & I dare say such Friendships & Connections are establishd between them, as shall for the future deter the most virulent Enemy from making another open Attempt upon their Rights as Men & Subjects. But is there no Reason to fear that the Libertys of the Colonys may be infringd in a less observable manner? The Stamp Act was like the sword that Nero wishd for, to have decollated the Roman People at a stroke, or like Jobs Sea monster in the heightned Language of Young, "who sinks a River, & who thirsts again." The Sight of such an Enemy at a distance is formidable, while the lurking Serpent lies conceald, & not noticd by the unwary Passenger, darts its fatal Venom. It is necessary then that each Colony should be awake & upon its

Guard—you may ask me what is the Danger—I answer none from His present Majesty & the Parliamt, in their Intention—yet such is human Frailty that "the best may err sometimes"—and consider Sir we are remote from the national Parliamt, & unrepresented. You are sensible that what are called Acts of Trade sensibly affect the Colonys May not such Acts be made thro the Inadvertency of our friends or for want of suitable Intelligence from the Colonys, as may not only injure their Trade but wound their Libertys — suppose for Instance that some time hereafter under the Pretext of Regulating Trade only, a revenue should be designd to be raisd out of the Colonys, would it signify any thing whether it be called a Stamp Act or an Act for the Regulation of the Trade of America. I wish there was a Union and a Correspondence kept up among the merchts thro'out the Continent, but I am still upon the Libertys of the Colonys. I should tell you what perhaps you know already was I to mention an Act of Parliamt I have lately seen, wherein the Gov^{r} & Council of any Province where any of his Majestys Troops may happen to be are enjoyned to make certain Provision for them at the Expense of the People of such Province. Tell me Sir whether this is not taxing the Colonys as effectually as the Stamp Act & if so, either we have complaind without Reason, or we have still reason to complain. I have heard that George Grenville was told to his face that he missd it in his politicks, for he should have stationd a sufficient number of Troops in America before he sent the Stamp Act among them. Had that been the Case it is possible

your Congress mt have been turnd out of Doors. New York has had regular troops among them for some months. I never could hear a reason given to my Satisfaction why they were orderd at least to remain there so long; perhaps I am captious—however I always lookd upon a standing Army especially in a time of peace not only a Disturbance but in every respect dangerous to civil Community. Surely then we cannot consent to their quartering among us, & how hard is it for us to be obligd to pay our money to subsist them. If a number shd happen to come into a Province thro Necessity & stand in Need of Supplys, as is the Case at present here, is it not a Disgrace to us to suppose we should be so wanting in humanity, or in regard to our Sovereign as to refuse to grant him the aid with our free Consent?

I feel a Disposition to hint many things more; but I am at present very much streightened for time & besides I am affraid you will think me a very troublesome Correspondent. I shall therefore write no more till I am encouragd by a Letter from you which will very much oblige

S^{r} y^{r} hum^{e} Serv^{t}

TO DENNYS DE BERDT.

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

BOSTON Dec^{r} 16 1766

SIR—

My last was of the 2^{d} Ins^{t}. I fear you will think me a very troublesome Correspondent: My only

Inducement to write to you is to let you know Facts that take Place here, that you may be the better able to defend this Province (for which I am satisfyd you have a real Friendship) from Misrepresentations. I am very apt to think his Majestys Ministers have sometimes wrong Informations sent to them. This was the Case, when Lord Dartmouth was told that the Assembly of this Province had *refusd* to make the Compensation *recommended* by His Majesty. They never did refuse it; & have since done it as you will see by the Letter from the House of Representatives.

It is probable a specious Account is sent home, of a Message from the House to the Council, in w^ch^ the House desire to know, by what Authority, Acts of Parliam^t^ are publishd among the Laws of this Province at the Expence of the People; & possibly Occasion will be taken to represent us as casting Contempt on the British Legislature. (The House are [aware of] no Reason for this Message—no doubt they thought, they had a Right to be consulted in every Expence bro't upon their Constituents, even the most trifling.) The same Reason perhaps inducd them to enquire whether Provision was made for a Number of the Kings Troops lately arrivd here & how. And since I have mentiond this Circumstance I would just make two Observations, first that the Colonys are under Apprehensions of a military force to be establishd in America, which they look upon as entirely needless at present for their Protection, & as dangerous at all times to Virtue & Liberty. and secondly, if at any time they should happen to arrive in their Way to

their place of Destination, & need Supply, the People here would never be unwilling to grant their Sovereign the Aid of their free Accord. They are concernd that they should be deprivd of this Honor & Privilege by an Act of Parliam[t] which injoyns it to be done by the Gov[r] & Council at their Expence this it is apprehended is taxing them as really as was designd & w[d] have been done by the Stamp Act: & if so they think they have as good reason to be uneasy with this Act as with the other. I sincerely wish for the Continuance of a cordial Affection between the Mother State & her Colonys & I am sure nothing will abate it on the part of the Colonys, but her Incroachment on her Libertys, of which, as she well knows, that of taxing themselves is the most essential. Surely she will not blame her *Children* (to take up her own Language) for imitating the Parent, who has been for ages past renownd for the warmest Attachment to Liberty.

The Vessell being just now sailing will not allow me to add any more than that I am with Sincerity

Sir your most humb[e] Serv[t]

Dec[r] 18[th]

SIR

Capt Lyde being prevented sailing by a Storm gives me an Opportunity of writing further. It is of Importance to the Colonys that their Friends should be made acquainted with the Grounds of any Discontent they may be under with Acts of Parliam[t]: And I may say it is also of Importance to Great

Britain her self; for certainly the best Way for her to make her Colonys a real & lasting Benefit to her is to give them all consistent Indulgence in Trade, & to remove any Occasion of their suspecting that their Libertys are in danger by the Exertions of the Power of Parliament. Their Affection to their Mother Country is so great that while they are easy in point of Liberty & Trade, nothing can alienate them & as to their Trade, the Profits of it center in Britain. There is nothing the Colonys are more jealous of than the Right of taxing them selves: & this the best Judges in the Nation will allow is an essential Right. While therefore an Act of Parliam[t] is in force which has the least Appearance of a Design to raise a Revenue out of them their Jealousy will be awake.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO DENNYS DE BERDT.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

Mar. 16 1767

SIR

His Excellency the Gov[r] of this Province having directed the Attendance of the General Assembly, at the opening of this Session, as usual in the Council Chamber, the House of Representatives were surprizd to find the L[t] Gov[r] taking a place as a Member of the same, in presense of the Governor. They judgd it to be a great Impropriety in it self, &

[1] A manuscript copy is in the Lee Papers, vol. i., pp. 33–35 (Jared Sparks collection), Harvard University Library, in the annotations on which it is described as a "remarkable letter." The committee which reported this letter consisted of Adams, Otis, Hawley, Sheaffe, and Bowers.

repugnant to the Constitution & the Letter of the Charter; & therefore highly incumbent on them, in the most express & publick Manner to bear their Testimony against it. Accordingly they took Occasion to animadvert upon it, in their answer [1] to his Exčys Speech, which is herewith inclosd together with all that has since passd between the Govr & the House upon this very interesting Subject.

Upon a Perusal, you will find, that the House observd upon his Honors taking a Seat in the General Assembly, when conveñ'd in one place, the Govr being in the Province, & present; & accordingly they have treated it, in their several Messages to the Govr. His Excy endeavors, in his message of Feb[y] [2] to justify the Conduct of the Lt Govr, by making a Claim to a Seat in one Branch of the Assembly viz in Council. We are of Opinion that enough is observd in our reply of Feb,[y] [3] to show that it is repugnant to that part of the Charter which is designedly declarative of the Genl Court; from the Passage we there recite, it is evident that he is not a Member of the General Assembly, & consequently can have no Right to a Seat in either Branch of it. His Excy is pleasd to say, "that he has always understood, that it was countenancd by the Charter, for the Lt Govr to have a Seat in Council, *without a Voice*," & referrs the House, by a Report from the Secretary, to several Passages in the Charter which he apprehends to the Purpose. Let it be just

[1] January 31, 1767; *Massachusetts State Papers*, pp. 103–105. See Thomas Hutchinson, *History of the Province of Massachusetts Bay*, vol. iii., pp. 174–177.

[2] February 7th. [3] February 17th.

observd here that by the Claim of a Seat *without a Voice*, all Pretension to a Right to act in Council, & by fair Conclusion to a Seat there is in effect given up. The Force of his Excys Reasoning seems to be this, The L^t^ Gov^r^ is empowerd by y^e^ Charter equally with the Gov^r^, while his Excy is in the Province to administer the Oaths to the returnd Members: In order to execute that Trust, he must necessarily meet them on the Day when they are returnd & met to form the Gen^l^ Assembly: And, because the Duty of his Trust must bring him amongst the Representatives, before they themselves are qualifyd to sit & act in General Assembly, therefore that Power or Authority gives him a Right to a Place & Seat in Council at all times during the Being of the Gen^l^ Assembly, altho' the full Exercise of that Power must end & be determind, & the Trust fully dischargd, before the Representatives themselves have a Right to take a place, or do any one Act in Gen^l^ Assembly & consequently before the Gen^l^ Assembly exists. The Absurdity of this way of reasoning, we think must be obvious to every man. Is it not as rational to inferr, that because the L^t^ Gov^r^ has Power equal with the Governors, in the Case mentioned, therefore he has a Right to take the Chair, & to hold out the Gov^r^, during the whole Being of the Gen^l^ Assembly? The latter is surely as plainly countenancd and included in the Premises as the former. And as it is said that, in that Paragraph, he has given to him an immediate original & inherent Right to administer the Oaths to the returnd Members of the House,

it may be Matter of curious Enquiry, why it is chosen as a Consequence, that a Right to a Place or Seat *in Council* is thereby given, rather than a Right to a Seat in the House of Representatives. According to this Manner of deducing Inferrences, any one may, among the infinite Variety of Propositions, altogether foreign to any given Premises, take an absolute & arbitrary Liberty, to infer some one favorite Conclusion rather than any other, which may not so well suit his humour or Interest. When the Imagination is sufferd to rove at Random, & Phantoms are made use of to establish Power & Authority supported neither by the Charter nor by Reason or Necessity, it is not easy to conceive, why a Right of still higher Importance, than a Seat *without a Voice*, was not imagind: It was full as easy to collect from the Charter, a Right in the L^t^ Gov^r^, as such, to a Voice, in Council, or in the House of Representatives, or in either, as should best suit his Fancy, or in each at different times: But perhaps it was judgd prudent to begin with lesser Claims, & gradually to advance to greater, as imaginary Countenances sh^d^ become more familiar.

But should it be admitted that there are ever so many Clauses in the Charter, tantamount to the most ample Writ of Dedimus Potestatem to the L^t^ Gov^r^, giving him the most extensive Authority to administer the Gov^t^ Oaths to the Freeholders returnd, & that he has by the Charter even a sole, original, direct, immediate & permanent Power given to him to administer, the Oaths, to the Gov^r^ and to

the Council, & all executive Officers, & also the Oaths of Office proper for them to take, before they enter upon the Execution of their Trust; and further, even admitting that he has Power to administer the Govt Oaths, to all his Majestys Subjects coming to & residing in the Province, with a Power of substituting whomsoever he pleases. The whole is but an *executive* & *ministerial* Power, & has not the least Connection with a Right to a Seat or place in the Genl Assembly; nor can it have any Affinity or Relation to a right to a Seat in the *legislative* Body or any Branch of it.

Would any one be thought in his Senses, who shd pretend that because a ministerial officer by Virtue of the Kings Writ directed to him should have Power & Authority to enter the Dwelling of another to summon him to appear at any Court, that thereby a Right was given to such Officer to take a place or Seat in such house & hold & occupy the same? As well may it be argued, that any Person having Authority by Writ of Dedimus to administer the Office Oaths to any office belonging, has a Right, by such Writ & Authority, to exercise the Power & perform the function proper to the Person to whom he is thus authorizd to administer the Oaths. Surely whoever should claim such Right & Power upon such Grounds, must appear to have a warm Imagination, or an excessive Love of Power.

The first Passage in the Charter to which his Excy referrs us, as we before observd, is that where the Representatives returnd to the Genl Assembly are required to take the Oaths "before the Govt or

L^t^ or Deputy Gov^r^, or any two of the Councellors or Assistants who shall be thereunto authorizd & appointed by the Gov^r^." The Sense of which must be, Either that the L^t^ Gov^r^ has a direct original & permanent Power while the Gov^r^ is in the Province; Or, that he is impowrd only in the Absence of the Gov^r^: or that his Power is by Dedimus from the Gov^r^, like that of any two of y^e^ Councellors or Assistants. The first appears to be an unnecessary & unnatural Construction. It supposes an Equality of Persons, in every other Respect unequal: It gives the L^t^ Gov^r^ a Power of acting, with Authority, in one Case, equal to that of the Gov^r^, while he is in the Province. The Charter declares that he shall have Power & Authority "to do & execute *all* & *every* such Matters & Things which the Govern^r^ might or could lawfully do *if he were present;* which plainly intends that the L^t^ Gov^rs^ Power to act as Gov^r^ *in any Case*, commences & is limited, during the *Absence* of the Gov^r^. If the Charter intends to vest the L^t^ Gov^r^, in this Instance, with Authority equal to that of the Gov^r^, & the Right of giving the Oaths &^c^ is inherent in him, as L^t^ Gov^r^, the Gov^r^ being present, it would be natural to expect that he would also, be vested with the same Power of Substitution, But he is not.

There is another similar Passage in the Charter, which requires all officers elected, to take the Oaths &^c^ "before the Gov^r^ the L^t^ or Deputy Gov^r^, or any two or more Councellors; or such other Person or Persons as shall be appointed thereto by the Gov^r^." Now if the L^t^ Gov^r^ hath an original Right in the one Case,

so have the two or more Councellors in the other; the Mode of Expression in both being the same, which we must suppose, will be thought to prove too much. From all which we think it most natural to conclude, that the Power in this Case as in all others, is vested in the L^t Gov^r *only* in the Absense of the Gov^r. And at other times it may be delegated *to him*, as it may to the Councellors or any other Person or Persons, by Appointm^t from the Gov^r.

Another Passage in the Charter referrd to, is that which requires the Gov^r, before he undertakes the Execution of his Office, to take the Oaths before the L^t Gov^r. But not to mention, that the Gov^r appointed, is not compleatly qualifyd, till he takes the Oaths; & so is not Gov^r, & therefore may well be considerd as absent; we need only observe, that the Act of giving the Oaths to a Gov^r has no Relation to a Gen^l Assembly: It may be done at a time when there is really no Gen^l Assembly existing; and consequently the Person administering them, cannot be considerd to be acting as a Member of the Gen^l Assembly.

We are the more astonishd at this Attempt of the L^t Gov^r as at his own Desire he has been so lately admitted to the floor of the House, & there publickly acknowledgd the generous Compensation granted him for his Losses & Sufferings in the late times of universal Distress Despair & of Course of great Confusion: At the same time he gave the highest Assurances of his Affection for his native Country, & of the fresh Obligations he felt himself under to support the Rights Liberties & Privileges

of his Countrymen: After all this it is truly surprising that he sh[d], make an Attack upon the Charter, & endeavor to support a Claim joyntly with his Excy which if they attain their Ends has a manifest tendency very unduly to influence & alter if not totally to subvert the free Legislative of the Province.[1]

Another Clause or Part of the Charter, which tho' not taken Notice of in the Secretarys Report before mentioned, has been chosen by the zealous Advocates for this new vampd Claim of the L[t] Governor, as at least countenancing, if not supporting it, is that early Passage which ordains, that "there be one Gov[r], one L[t] or Deputy Gov[r] & one Secretary of our Province or Territory to be from time to time appointed & commissiond by us our Heirs & Successors & Eight & twenty Assistants or Councellors to be advising & assisting to the Gov[r] of our said Province or Territory for the time being as by these presents is hereafter directed & appointed which said Councellors or Assistants are to be constituted elected & chosen in such form & manner as hereafter in these presents is expressd." This Clause, they say, being read without Points, as it stands in the original Charter, admits of the following Construction, viz, That the L[t] Gov[r] is thereby most plainly appointed ordaind & authorizd, to be advising & assisting to the Gov[r], as the said Councellors or Assistants; & hence they inferr, a strange & unnatural Consequence, that the L[t] Gov[r] has a Right to a Seat in Council, as part of

[1] In the text as printed in the Journal of the House for 1766–1767, pp. 393–404, this paragraph is the fourth from the end, and there are certain other variations.

the Gen[l] Court or Assembly. It would be surprising, were it not a common thing, that for the sake of maintaining a darling point, Men of good Sense & Judgment should seriously contend for so unfair an Exposition of plain Words, & such a foreign & arbitrary Consequence from them. Does it not plainly & beyond Question appear, *Who* the Persons are, that in the aforementiond Passage, are ordaind to be "advising & assisting" to the Gov[r] by the Appellation given to them? Is not the Duty & Business of "advising and assisting" clearly intimated by their being called *Councellors* or *Assistants?* Is not the office of *advising* & *assisting*, plainly appropriated & limited to the Persons denominated Councellors & Assistants? And would any unprejudicd Person be at a Loss for the Meaning, if there was Nothing else in the Charter to determine the Sense? But it is evident from other parts of the Charter, who the Persons are, who, in this Clause, are ordaind to be advising & assisting to the Gov[r]; the Clause itself says, "they are authorizd thereto as is hereafter directed & appointed"; now all the matters & things, mentiond in any succeeding parts of the Charter, wherein any of the Persons mentiond are by the tenor thereof to be advising & assisting the Gov[r] are restraind & appropriated, to the Eight & twenty Assistants or Councellors, or seven of them at least. The L[t] Gov[r] is not once named: The Duty & Business is clearly assignd & limitted to the Assistants or Councellors; which determins beyond Dispute, who the Persons are, who in this Clause are designd to be advising & assisting to the Gov[r]. But if the most extensive

Sense contended for by these Gentlemen were admitted as the genuine meaning of this Clause, would the Conclusion they are sollicitous of making, be just, & their darling Point, viz a right in the L^t^ Gov^r^ to a seat & place in Council, as a Branch of the Gen^l^ Court be thereby establishd? Nothing is more evident, than that none of the Persons, be they who they may, that by the recited Clause, are ordaind to be advising & assisting to the Gov^r^ are thereby constituted to belong to the Gen^l^ Assembly or any part of it, not even the Gov^r^ himself: There is nothing said of the Gen^l^ Assembly in the Clause, nor is the Gen^l^ Court or Assembly of the Province of the Massachusetts Bay so much as mentiond in any preceeding part of the Charter, or any thing that has the least Connection with it. The Gen^l^ Court of the Province is wholly created erected & ordaind in the succeeding parts of it; & *there*, the Persons of whom the Gen^l^ Court was to consist are plainly and definitely designated & declared, with express purpose & design, that there might be no Doubt or Uncertainty concerning the integral parts of the same. Even the Gov^r^ himself is not an integral part of that Body, by Virtue of the above recited Clause, or any other Clause of the Charter *preceeding* those Parts of it w^ch^ designedly erect & constitute the Gen^l^ Assembly, or are descriptive of it. It must therefore appear absurd to attempt to support & establish the L^t^ Gov^rs^ Claim or Right to a Seat or place in the Council as a Part or Branch of the Gen^l^ Assembly from the recited Clause or any Words of it, because, as is before observd neither the Clause nor any Words in

it have any Relation or referrence to the General Court.

His Excy in his message of the 21 Feb communicated to the House a Letter he had rec^{d} from the L^{t} Gov^{r} upon this subject, a copy of which is inclosed. His Honor begins with saying "I waited on your Excy to Council, the first Day of the Session of the Gen^{l} Court to testify my Respect to your Person & to do Honor to the Commission you sustain." If it was proper for his Honor to take this Occasion to testify his Respect to his Excys Person & to do honor to his Commission, it would have been equally so, in any other Officer holding a Commission under the Crown. We cannot but observe that if this was the sole Reason of his making his appearance at that time & place, there was a great impropriety in his taking the Seat of a Councellor and besides, if his Honor designd only a mark of Civility & respect to the Gov^{r}, his Excy has mistaken the case & aims at supporting a Claim which his Honor never designd to make. His Honor goes on, "I had frequently been present in Council since last Election, & not one member of either House ever intimated to me that he was in the least Degree dissatisfyd with it." His Honor has sometimes been present in Council since the last Election, when his Excy was not there, & therefore his Appearance *then* we presume could not be designd to show a respect to his Excys Person &^{c}; However the House never Before the Instance referrd to knew it in a parliamentary way: We cannot answer for the Omission of the Hon Board; but, with pleasure, we find that they have since unanimously resolvd that

the L[t] Gov[r] has not a constitutional Right to a seat in Council as by their inclosd Vote. "I supposd, says his Honor, that there were several Parts of the Charter which gave Countenance to it, & that there was no part which renderd it improper." This we have already in part taken notice of: It is astonishing to us, that a Gentleman of his Honors acknowledgd Abilities should adopt either of those sentiments. There is nothing in the Charter which gives the least Countenance to it: And if it is only considerd that the Charter limits the number of Councellors to twenty eight, & declares of no other Person as Councellors but such as are elected by the Gen[l] Assembly & approvd of by the Gov[r], the Impropriety of any other Person, of what Character or Station so ever taking a seat at the Board must be obvious from the Charter, if what is directly repugnant to it is to be deemd an Impropriety. His Honor says "I knew that immediately upon the arrival of the Charter it was the Sense of the Gen[l] Court that the L[t] Gov[r] had a right to be present in Council." We are utterly at a Loss to conceive where his Honor gathers the sense of the Gen[l] Assembly: There is no Record of it in their Books. His Honor indeed mentions a "contemporaneous Exposition when the Persons who sollicited the Charter & were consulted in framing every part of it were then in the Province, together with an uninterrupted Practice for forty years immediately upon it, as sufficient to justify him." No Precedents can justify against a manifest Impropriety, & a direct repugnancy to the Constitution & the Letter as well as the plainest & necessary sense of the Charter. His

Honor goes on "I was not insensible that one & but one L^t^ Gov^r^, my immediate Predecessor, had not sat in Council, & I had heard that the Gent^n^ who was then Gov^r^ excluded him; but I heard at the same time that this was lookd upon as a mere Act of Power, admitting or excluding a L^t^ Gov^r^, whenever the Gov^r^ thought proper." His Honor is here under some mistake: Coll Phips was not actually excluded, but held out by Gov^r^ Belcher; by whom Coll Taylor had been before excluded. We cannot easily conceive what his Honor intends by a mere Act of Power, as we have no Idea of mere Power in the Body politick distinct or separate from Right. If it was an unwarrantable Act in Gov^r^ Belcher, is it not strange that those Gent^n^ should submit to it, especially as his Excy tells us they resented it? Is it not still more strange that Coll Phips should not revive his claim after M^r^ Belchers Removal, especially as M^r^ Shirley who succeeded him was a Gent eminent for his skill in Law, & the Constitution? Sir William Phips, the first Gov^r^ under the present Charter, & who brot it with him, was eminent, rather for his Integrity & good Fortune than great Abilities. It must be his Administration that afforded the *contemporaneous* Exposition which his Honor mentions: Doct^r^ Mather a minister of one of our Churches, "sollicited" the Charter in Eng^d^; & livd in Sir W^ms^ time; how far the minister then thought proper to "consult" the Doct^r^ in "framing" the Charter, we are not able to say; this Gent^n^ shone as a Divine but not as a Lawyer. Gov^r^ Dudley succeeded Gov^r^ Phips: The attention of the Gov^t^ was in his time taken up in the Cares of the War in which the

Nation was then involvd——after him came Govr Shute & Burnett, both whose Administrations were short, & unfortuneately perplexd with a Dispute of another kind; Govr Belcher succeeded Govr Burnett, & he excluded the Lt Govr from a seat at the Board. It appears then that Mr Belcher was the first Govr, who had either Knowlege, or Leisure or Spirit enough to dispute the Right of a Deputy Govr to a seat in Govt, when he himself was in the Province; & it is an Evidence that it was then thought & has been ever since till now, not an unwarrantable Act, or as his Honor expresses it "a mere act of Power" that for near forty years past the Lt Govrs have either receded from the Claim, or have been held out, but we rather apprehend that it was a Practice that crept in, thro Inattention in those times than a Right set up & claimd. It is not then "the opinion of a *single* Govr, but of three at least namely, Mr Belcher, Mr Shirley & Mr Pownal who came after him—all of them Gentn of Learning & one of them, as we have observd before, eminent in the Profession of the Law. His Honor says, that his Excy "never signifyd to him that his Presence in Council was disagreable to him." We are sensible by his Excys Message that it is not: And we are the more surprisd at it, because in our humble opinion, the Lt Govr taking a Seat in the Govt while his Excy is in the Province, is by no means showing a Respect to his Person or doing honor to his Comission and it is astonishing to us that his Excy shd appear to vindicate a Claim, which so nearly affects his own Honor & Right, as comissiond by his Majesty to be Comd in Chief, as well as the Right of the other

Branches of the Gen[l] Court, & of the People, over which he presides & governs. His Honor expresses his very great Concern "that any thing that relates to him, sh[d] occasion a Difference in Sentiment between his Excy & the House of Rep[ves], at a time when every man of every order, ought to contribute all that is in his Power to the Restoration of Harmony & Tranquility." This might have been prevented, had not his Honor thought fit, at this Juncture, to stir up a Claim, founded only on Precedents which had slept for near forty years. Precedents altogether unsupportable & which were no sooner objected to, than receded from & given up. If his Honor means by "the restoration of Harmony & Tranquility" a silent & supine submission to an unreasonable & unconstitutional Claim, we could not wish for it upon terms which we think derogatory to the Honor of our Sovereign, under whom we hold our Charter, as well as the Comission which his Excy sustains under his Majesty; and inconsistent with the Duty we owe to our Constituents & Posterity to preserve and maintain the Rights of that Charter sacred & inviolate. Neither this House nor the People are disposd to do anything to disturb the publick Tranquility unless it is supposed to be done by a necessary adherence to & a manly & firm Defence of our constitutional Rights & Privileges. His Honor is grieved that "so respectable a Body have passd so heavy a judgm[t] upon his Conduct, without giving him an opportunity of justifying or excusing it." If he had thot proper to desire the Audience of the House upon the Affair, either in person or by Proxy it w[d] not, he knows it

c^d not be denyd him, And truly the House m^t reasonably have expected to have heard from him, upon a matter of this Nature & Importance; Neither our Doors nor our Ears ever were or could be shut ag^t any Pet^s or memorial he m^t think fit to preferr. Instead of w^ch he chose to keep himself at a Distance & leave it to be negotiated by the Gov^r & the Secretary with the House.

We cannot but think this Attempt of his Honor the more unnatural as he has so long enjoyd every Honor & Favor in the Power of his native Country to confer upon him. Some of his high offices are so incompatible with others of them, that in all probability they never will hereafter be, as they never were heretofore thus accumulated by any man. This Gen^t was for years together L^t Gov^r, Councellor, Chiefe Justice of the Provinces & a Judge of the Probate. Three of these lucrative as well as honorary Places he now enjoys & yet is not content. It is easy to conceive how undue an influence the two first must give.

The office of a Chief Justice is most certainly incompatible with that of a Politician. The cool & impartial administrat^n of common justice can never harmonize with the meanders & windings of a modern Politician. The Integrety of the Judge may some times embarrass the Politician, but there is infinitely more Danger in the long run of the Politician spoiling the good & upright Judge. This has often been the Case & in the Course of things may be expected again.

As the Gov^r & the L^t Gov^r now firmly persist in

the Claim & his Excy seems determind to make a representation of this matter home: it is incumbent upon us to be particularly attentive to it, tho both of them have in Effect desird the present House to remain quiet & inactive. We must therefore earnestly recommend it to you to make it a matter of your special Care, & if any Stir should be made about it in Eng^{d}, that you w^{d} use your utmost endeavors to prevent any Determination thereon till we can be heard, or otherwise that you make the best use you can of the papers inclosd.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO JASPER MAUDUIT.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library.]

Pro of Massachusetts Bay
Boston March 18 1767

SIR

The House of Representatives have taken into Consideration your Letter of the 5 of June last. The only part of it which concerns either their Justice or Honor to take notice of, is that which relates to a sufficient & ample Reward for your Services as Agent for the Province, in considering which they would not willfully err. The Truth is, you have always considerd the receiving & paying the Province Money as a Business distinct from your Agency, & consequently, the Commissions as distinct from an allowance for the services of your agency, & from thence you inferr, what w^{d} have been much beneath the Honor of a house of Representatives,

[1] This letter was read and approved March 19, 1767, when the House ordered the Treasurer to draw on Mauduit, in favor of John Hancock, for the balance due from the agent, £1,412:17:6*d*.

that they "studied to affront" you by offering you so small a Sum as £100 a year. The House always conceivd otherwise; they lookd upon you altogether in the Light of an Agent; & had you not been in that Capacity, their money w^d^ never have passd thro your Hands — they therefore considerd what was an adequate Reward to your merit, & concluded that £600 sterling p ann w^d^ be an ample retalliation for your Services & Expences: As therefore you had chargd your Commission, the house considerd it as so much paid, & determind upon £100 a year to make up the annual allowance of £600. Very rightly therefore they told you in their former Letter that they had allowd you double of what they had ever allowd your Predecessor.[1] M^r^ Bollan never was allowd more than 300 some times no more than 200 a year for his Services — it is true as he left his family & Business to prosecute the Affairs of the province it was judgd reasonable to allow his Expences in London. Your Expences you say have amounted to £300 yearly it remains then that you have rec^d^ for your services, equal to the most that the Gov^t^ ever allowd M^r^ Bollan viz £300 a year. The House upon the most impartial Consideration are of opinion that this is a Sum, by no means derogatory to their Honor to offer in full for your Services; & therefore cannot but conclude that when you take Leisure to consider calmly of it you will think it perfectly consistent with your Reputation to accept of it. We cannot close without observing to you that by means of your protesting the Drafts of

[1] This sentence is crossed out in the draft.

our Treasurer, when you had more than sufficient in your hands to honor them & pay your self, this Governm[t] have been put to the Charge of nearly £100 sterling—which youl please to reflect upon at your Leisure. Read & accepted

TO DENNYS DE BERDT.

[W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 139, 140.]

Boston, May 9, 1767.

SIR:—Your favor of 10th February and 9th March came to hand. It gives me the greatest satisfaction to find that this Province stands in an agreeable point of light with the Ministry and the Parliament, and I hope with our gracious Sovereign himself. The nation has no reason to be offended with us, or to entertain any jealousy of us. We are naturally attached to the people of Great Britain. We esteem them, not barely as fellow-subjects, but as brethren of the same blood. We can look back a few years, and find the same men the fathers of us all. Why then should Britain hate America, or they envy her? Our dependence is mutual; our interest is undivided; one cannot be sensibly injured, but the other must feel it.

I now send you the journal of the House for the remaining part of the year.[1] You will find in the beginning of February some messages between the Governor and the House relating to the supply of about seventy of his Majesty's troops, arrived here last fall. Heretofore it has been the practice of this

[1] On December 9, 1766, the Clerk of the House, Adams, was directed to supply De Berdt with a copy of its journal.

government to make provision in such cases by an act of their own. Thus they granted to their sovereign the necessary aid of their own free accord, which was strictly constitutional; and I am satisfied the people would always be ready cheerfully to make such grants upon all future occasions. Does not an act of Parliament made to oblige us in this case deprive us of our honor as well as our right, and imply a mistrust of us in the mother country? It is probable some persons here had induced the Ministry to believe it would have been refused by us, and argued from thence the necessity of the Parliament's interfering. But there is no room for such a suggestion. If the question should at any time be put, I am persuaded the people would show their loyalty in this as they have done in all other requests. I wish, if our enemies should put an ill construction upon this matter, it might be thus explained, for it is the truth. The House made you a grant for your services for one year, as you will see by the journal of March.[1] His Excellency did not think proper to sign it; perhaps he will assign the reason at the May session, when it will no doubt be again considered.

Your constant endeavors to serve this people merit their warmest gratitude as well as an ample recompense; and I hope, sir, you will not fail of an infinitely better reward than it is in their power to give you.

I am, with very great esteem, sir,

Your sincere friend and humble servant,

[1] March 17, 1767; £200 for services to the House during the year ending November 5, 1766.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO DENNYS DE BERDT. JANUARY 12, 1768.

[*Massachusetts State Papers*, pp. 124–133; a text is in *Prior Documents*,[1] pp. 167–175, and in the Boston Gazette, April 4, 1768.]

SIR,

Since the last sitting of the General Court, divers acts of Parliament, relating to the colonies, have arrived here; and as the people of this province had no share in the framing those laws, in which they are so deeply interested, the House of Representatives, who are constitutionally entrusted by them, as the guardians of their rights and liberties, have thought it their indispensable duty, carefully to peruse them; and having so done, to point out such matters in them, as appear to be grievous to their constituents, and to seek redress.

The fundamental rules of the constitution are the grand security of all British subjects; and it is a security which they are all *equally* entitled to, in all parts of his Majesty's extended dominions. The supreme legislative, in every free state, derives its power from the constitution; by the fundamental rules of which, it is bounded and circumscribed. As a legislative power is essentially requisite, where any powers of government are exercised, it is conceived, the several legislative bodies in America were erected, because their existence, and the free exercise of their power, within their several limits, are essentially important and necessary, to preserve to his Majesty's

[1] Under this usual title will be cited "A Collection of Interesting, Authentic Papers . . . from 1764 to 1775." London, printed for J. Almon, 1777.

subjects in America, the advantages of the fundamental laws of the constitution.

When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this of the colonists, and others may, perhaps, have industriously propagated it, to raise groundless and unreasonable jealousies of them; but it is so far from the truth, that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it. They are far from being insensible of their happiness, in being connected with the mother country, and of the mutual benefits derived from it to both. It is, therefore, the indispensable duty of all, to cultivate and establish a mutual harmony, and to promote the intercourse of good offices between them; and while both have the free enjoyment of the rights of our happy constitution, there will be no grounds of envy and discontent in the one, nor of jealousy and mistrust in the other.

It is the glory of the British constitution, that it hath its foundation in the law of God and nature. It is an essential, natural right, that a man shall quietly enjoy, and have the sole disposal of his own property. This right is adopted into the constitution. This natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render it just, equitable and reasonable, in the nature of things,

that the Parliament should impose duties, subsidies, talliages, and taxes upon them, internal or external, for the sole purpose of *raising a revenue.* The reason is obvious; because, they cannot be represented, and therefore, their consent cannot be constitutionally had in Parliament.

When the Parliament, soon after the repeal of the stamp act, thought proper to pass another act,[1] declaring the authority, power, and right of Parliament, to make laws that should be binding on the colonies, in all cases, whatever, it is probable that acts for levying taxes on the colonies, external and internal, were included; for the act made the last year,[2] imposing duties on paper, glass, &c. as well as the sugar acts[3] and the stamp act, are, to all intents and purposes, in form, as well as in substance, as much revenue acts, as those for the land tax, customs and excises in England. The necessity of establishing a revenue in America, is expressly mentioned in the preambles; they were originated in the honorable House of Commons, as all other money and revenue bills are; and the property of the colonies, with the same form, ceremony and expressions of loyalty and duty, is thereby given and granted to his Majesty, as they usually give and grant their own. But we humbly conceive, that objections to acts of this kind, may be safely, if decently made, if they are of a dangerous tendency in point of commerce, policy, and the true and real interest of the whole empire. It may, and if it can, it ought to be made to appear, that such acts are grievous to the subject, burthensome

[1] 6 Geo. III., chap. 12. [2] 7 Geo. III., chap. 46. [3] 4 Geo. III., chap. 15.

to trade, ruinous to the nation, and tending on the whole to injure the revenue of the Crown. And surely, if such mighty inconveniencies, evils, and mischiefs, can be pointed out with decency and perspicuity, there will be the highest reason not only to hope for, but fully to expect redress.

It is observable, that though many have disregarded life, and contemned liberty, yet there are few men who do not agree that property is a valuable acquisition, which ought to be held sacred. Many have fought, and bled, and died for this, who have been insensible to all other obligations. Those who ridicule the ideas of right and justice, faith and truth among men, will put a high value upon money. Property is admitted to have an existence, even in the savage state of nature. The bow, the arrow, and the tomahawk; the hunting and the fishing ground, are species of property, as important to an American savage, as pearls, rubies, and diamonds are to the Mogul, or a Nabob in the East, or the lands, tenements, hereditaments, messuages, gold and silver of the Europeans. And if property is necessary for the support of savage life, it is by no means less so in civil society. The Utopian schemes of levelling, and a community of goods, are as visionary and impracticable, as those which vest all property in the Crown, are arbitrary, despotic, and in our government unconstitutional. Now, what property can the colonists be conceived to have, if their money may be granted away by others, without their consent? This most certainly is the present case; for they were in no sense represented in Parliament, when this act for raising a revenue in America was

made. The stamp act was grievously complained of by all the colonies; and is there any real difference between this act and the stamp act? They were both designed to raise a revenue in America, and in the same manner, viz. by duties on certain commodities. The payment of the duties imposed by the stamp act, might have been eluded by a total disuse of the stamped paper; and so may the payment of these duties, by the total disuse of the articles on which they are laid; but in neither case, without difficulty. Therefore, the subjects here, are reduced to the hard alternative, either of being obliged totally to disuse articles of the greatest necessity, in common life, or to pay a tax without their consent.

The security of right and property, is the great end of government. Surely, then, such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. It would be difficult, if possible, to show, that the present plan of taxing the colonies is more favorable to them, than that put in use here, before the revolution. It seems, by the event, that our ancestors were, in one respect, not in so melancholy a situation, as we, their posterity, are. In those times, the Crown, and the ministers of the Crown, without the intervention of Parliament, demolished charters, and levied taxes on the colonies, at pleasure. Governor Andross, in the time of James II. declared, that wherever an Englishman sets his foot, all he hath is the King's; and Dudley declared, at the Council Board, and even on the sacred seat of justice, that the privilege of Englishmen, not to be taxed

without their consent, and the laws of England, would not follow them to the ends of the earth. It was, also, in those days, declared in Council, that the King's subjects in New England did not differ much from slaves; and that the only difference was, that they were not bought and sold. But there was, even in those times an excellent Attorney General, Sir William Jones,[1] who was of another mind; and told King James, that he could no more grant a commission to levy money on his subjects in Jamaica, though a conquered island, without their consent, by an Assembly, than they could discharge themselves from their allegiance to the English Crown. But the misfortune of the colonists at present is, that they are taxed by Parliament, without their consent. This, while the Parliament continues to tax us, will ever render our case, in one respect, more deplorable and remediless, under the best of Kings, than that of our ancestors was, under the worst. They found relief by the interposition of Parliament. But by the intervention of that very power, we are taxed, and can appeal for relief, from their final decision, to no power on earth; for there is no power on earth above them.

The original contract between the King and the first planters here, was a royal promise in behalf of the nation, and which till very lately, it was never questioned but the King had a power to make; namely, that if the adventurers would, at their own cost and charge and at the hazard of their lives and every thing dear to them, purchase a new world, subdue a wilderness,

[1] 1631–1682; solicitor-general, 1673–1675; appointed attorney-general, June 25, 1675; resigned, November, 1679; see below, page 158.

and thereby enlarge the King's dominions, they and their posterity should enjoy such rights and privileges as in their charters are expressed: which are, in general, all the rights, liberties and privileges of his Majesty's natural born subjects within the realm. The principal privilege implied, and in some of their charters expressed, is a freedom from all taxes, but such as they shall consent to in person, or by representatives of their own free choice and election. The late King James broke the original contract of the settlement and government of these colonies; but it proved happy for our ancestors in the end, that he had also broken the original compact with his three kingdoms. This left them some gleam of hope; this very thing, finally, was the cause of deliverance to the nation and the colonies, nearly at the same time; it was the Parliament, the supreme legislative and constitutional check on the supreme executive, that in time operated effects worthy of itself; the nation and her colonies have since been happy, and our princes patriot Kings. The law and reason teaches, that the King can do no wrong; and that neither King nor Parliament are otherwise inclined than to justice, equity and truth. But the law does not presume that the King may not be deceived, nor that the Parliament may not be misinformed. If, therefore, any thing is wrong, it must be imputed to such causes. How far such causes have taken place and operated against the colonies, is humbly submitted to the revision and reconsideration of all.

By the common law, the colonists are adjudged to be natural born subjects. So they are declared by royal charter; and they are so, by the spirit of the

law of nature and nations. No jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties, privileges and immunities, of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural born subjects, born passing and repassing the seas, have, by sundry acts of Parliament, from Edward the third to this time, been declared natural born subjects; and even foreigners, residing a certain time in the colonies, are, by acts of Parliament, entitled to all the rights and privileges of natural born subjects. And it is remarkable, that the Act of 13 Geo. II. chap. 7, presupposes that the colonists are natural born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite. "Whereas the increase of people is the means of advancing wealth and strength of any nation or country; and whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural born subjects of this realm do enjoy." Which plainly shows it to be the sense of the nation, that the colonies were entitled to, and did actually enjoy, the advantages and privileges of natural born subjects. But if it could be admitted as clearly consistent with the constitution, for the Parliament of Great Britain to tax the property of the colonies, we presume it can

be made to appear to be utterly inconsistent with the rules of equity that they should, at least at present. It must be considered, that by acts of Parliament, the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great Britain, saving a few articles. This gives the advantage to Great Britain of raising the price of her commodities, and is equal to a tax. It is too obvious to be doubted, that by the extraordinary demands from the colonies of the manufactures of Britain, occasioned by this policy, she reaps an advantage of at least twenty per cent. in the price of them, beyond what the colonies might purchase them for at foreign markets. The loss, therefore, to the colonists, is equal to the gain which is made in Britain. This in reality is a tax, though not a direct one; and admitting that they take annually from Great Britain, manufactures to the value of two millions sterling, as is generally supposed, they then pay an annual tax of four hundred thousand pounds, besides the taxes which are directly paid on those manufactures in England. The same reasoning will hold good with respect to the many enumerated articles of their produce, which the colonies are restrained, by act of Parliament, from sending to any foreign port. By this restraint, the market is glutted, and consequently the produce sold, is cheaper; which is an advantage to Great Britain, and an equal loss to, or tax upon, the colonists. Is it reasonable, then, that the colonies should be taxed on the British commodities here? especially when it is considered, that the most of them settled a wilderness, and, till very lately, defended their settlements

without a farthing's expense to the nation. They bore their full proportion of the charges of securing and maintaining his Majesty's rights in America, in every war from their first settlement, without any consideration; for the grants of Parliament in the last war were compensations for an overplus of expense on their part. Many of them, and this province in particular, have always maintained their own frontiers at their own expense; and have also frequently defended his Majesty's garrison at Annapolis, when it must otherwise have been unavoidably lost. The nation, in the late war, acquired lands equal in value to all the expense she had been at in America, from its settlement; while the trade of the colonies has been only "secured and restricted;" it has not been enlarged, though new avenues of beneficial commerce have been opened to the mother country. The colonies have reaped no share in the lands which they helped to conquer, while millions of acres of those very lands have been granted, and still are granting, to people who, in all probability, will never see, if they settle them.

The appropriation of the monies, to arise by these duties, is an objection of great weight. It is, in the first place, to be applied for the payment of the necessary charges of the administration of justice, and the support of civil government, in such colonies where it shall be judged necessary. This House apprehends it would be grievous, and of dangerous tendency, if the Crown should not only appoint Governors over the several colonies, but allow them such stipends as it shall judge proper, at the expense of the people, and without their consent. Such a power,

our Treasurer, when you had more than sufficient in your hands to honor them & pay your self, this Governm[t] have been put to the Charge of nearly £100 sterling—which youl please to reflect upon at your Leisure. Read & accepted

TO DENNYS DE BERDT.

[W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 139, 140.]

Boston, May 9, 1767.

SIR:— Your favor of 10th February and 9th March came to hand. It gives me the greatest satisfaction to find that this Province stands in an agreeable point of light with the Ministry and the Parliament, and I hope with our gracious Sovereign himself. The nation has no reason to be offended with us, or to entertain any jealousy of us. We are naturally attached to the people of Great Britain. We esteem them, not barely as fellow-subjects, but as brethren of the same blood. We can look back a few years, and find the same men the fathers of us all. Why then should Britain hate America, or they envy her? Our dependence is mutual; our interest is undivided; one cannot be sensibly injured, but the other must feel it.

I now send you the journal of the House for the remaining part of the year.[1] You will find in the beginning of February some messages between the Governor and the House relating to the supply of about seventy of his Majesty's troops, arrived here last fall. Heretofore it has been the practice of this

[1] On December 9, 1766, the Clerk of the House, Adams, was directed to supply De Berdt with a copy of its journal.

government to make provision in such cases by an act of their own. Thus they granted to their sovereign the necessary aid of their own free accord, which was strictly constitutional; and I am satisfied the people would always be ready cheerfully to make such grants upon all future occasions. Does not an act of Parliament made to oblige us in this case deprive us of our honor as well as our right, and imply a mistrust of us in the mother country? It is probable some persons here had induced the Ministry to believe it would have been refused by us, and argued from thence the necessity of the Parliament's interfering. But there is no room for such a suggestion. If the question should at any time be put, I am persuaded the people would show their loyalty in this as they have done in all other requests. I wish, if our enemies should put an ill construction upon this matter, it might be thus explained, for it is the truth. The House made you a grant for your services for one year, as you will see by the journal of March.[1] His Excellency did not think proper to sign it; perhaps he will assign the reason at the May session, when it will no doubt be again considered.

Your constant endeavors to serve this people merit their warmest gratitude as well as an ample recompense; and I hope, sir, you will not fail of an infinitely better reward than it is in their power to give you.

I am, with very great esteem, sir,

Your sincere friend and humble servant,

[1] March 17, 1767; £200 for services to the House during the year ending November 5, 1766.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO DENNYS DE BERDT. JANUARY 12, 1768.

[*Massachusetts State Papers*, pp. 124–133; a text is in *Prior Documents*,[1] pp. 167–175, and in the Boston Gazette, April 4, 1768.]

SIR,

Since the last sitting of the General Court, divers acts of Parliament, relating to the colonies, have arrived here; and as the people of this province had no share in the framing those laws, in which they are so deeply interested, the House of Representatives, who are constitutionally entrusted by them, as the guardians of their rights and liberties, have thought it their indispensable duty, carefully to peruse them; and having so done, to point out such matters in them, as appear to be grievous to their constituents, and to seek redress.

The fundamental rules of the constitution are the grand security of all British subjects; and it is a security which they are all *equally* entitled to, in all parts of his Majesty's extended dominions. The supreme legislative, in every free state, derives its power from the constitution; by the fundamental rules of which, it is bounded and circumscribed. As a legislative power is essentially requisite, where any powers of government are exercised, it is conceived, the several legislative bodies in America were erected, because their existence, and the free exercise of their power, within their several limits, are essentially important and necessary, to preserve to his Majesty's

[1] Under this usual title will be cited "A Collection of Interesting, Authentic Papers . . . from 1764 to 1775." London, printed for J. Almon, 1777.

subjects in America, the advantages of the fundamental laws of the constitution.

When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some, we know, have imagined this of the colonists, and others may, perhaps, have industriously propagated it, to raise groundless and unreasonable jealousies of them; but it is so far from the truth, that we apprehend the colonies would refuse it if offered to them, and would even deem it the greatest misfortune to be obliged to accept it. They are far from being insensible of their happiness, in being connected with the mother country, and of the mutual benefits derived from it to both. It is, therefore, the indispensable duty of all, to cultivate and establish a mutual harmony, and to promote the intercourse of good offices between them; and while both have the free enjoyment of the rights of our happy constitution, there will be no grounds of envy and discontent in the one, nor of jealousy and mistrust in the other.

It is the glory of the British constitution, that it hath its foundation in the law of God and nature. It is an essential, natural right, that a man shall quietly enjoy, and have the sole disposal of his own property. This right is adopted into the constitution. This natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render it just, equitable and reasonable, in the nature of things,

that the Parliament should impose duties, subsidies, talliages, and taxes upon them, internal or external, for the sole purpose of *raising a revenue.* The reason is obvious; because, they cannot be represented, and therefore, their consent cannot be constitutionally had in Parliament.

When the Parliament, soon after the repeal of the stamp act, thought proper to pass another act,[1] declaring the authority, power, and right of Parliament, to make laws that should be binding on the colonies, in all cases, whatever, it is probable that acts for levying taxes on the colonies, external and internal, were included; for the act made the last year,[2] imposing duties on paper, glass, &c. as well as the sugar acts[3] and the stamp act, are, to all intents and purposes, in form, as well as in substance, as much revenue acts, as those for the land tax, customs and excises in England. The necessity of establishing a revenue in America, is expressly mentioned in the preambles; they were originated in the honorable House of Commons, as all other money and revenue bills are; and the property of the colonies, with the same form, ceremony and expressions of loyalty and duty, is thereby given and granted to his Majesty, as they usually give and grant their own. But we humbly conceive, that objections to acts of this kind, may be safely, if decently made, if they are of a dangerous tendency in point of commerce, policy, and the true and real interest of the whole empire. It may, and if it can, it ought to be made to appear, that such acts are grievous to the subject, burthensome

[1] 6 Geo. III., chap. 12. [2] 7 Geo. III., chap. 46. [3] 4 Geo. III., chap. 15.

to trade, ruinous to the nation, and tending on the whole to injure the revenue of the Crown. And surely, if such mighty inconveniencies, evils, and mischiefs, can be pointed out with decency and perspicuity, there will be the highest reason not only to hope for, but fully to expect redress.

It is observable, that though many have disregarded life, and contemned liberty, yet there are few men who do not agree that property is a valuable acquisition, which ought to be held sacred. Many have fought, and bled, and died for this, who have been insensible to all other obligations. Those who ridicule the ideas of right and justice, faith and truth among men, will put a high value upon money. Property is admitted to have an existence, even in the savage state of nature. The bow, the arrow, and the tomahawk; the hunting and the fishing ground, are species of property, as important to an American savage, as pearls, rubies, and diamonds are to the Mogul, or a Nabob in the East, or the lands, tenements, hereditaments, messuages, gold and silver of the Europeans. And if property is necessary for the support of savage life, it is by no means less so in civil society. The Utopian schemes of levelling, and a community of goods, are as visionary and impracticable, as those which vest all property in the Crown, are arbitrary, despotic, and in our government unconstitutional. Now, what property can the colonists be conceived to have, if their money may be granted away by others, without their consent? This most certainly is the present case; for they were in no sense represented in Parliament, when this act for raising a revenue in America was

made. The stamp act was grievously complained of by all the colonies; and is there any real difference between this act and the stamp act? They were both designed to raise a revenue in America, and in the same manner, viz. by duties on certain commodities. The payment of the duties imposed by the stamp act, might have been eluded by a total disuse of the stamped paper; and so may the payment of these duties, by the total disuse of the articles on which they are laid; but in neither case, without difficulty. Therefore, the subjects here, are reduced to the hard alternative, either of being obliged totally to disuse articles of the greatest necessity, in common life, or to pay a tax without their consent.

The security of right and property, is the great end of government. Surely, then, such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. It would be difficult, if possible, to show, that the present plan of taxing the colonies is more favorable to them, than that put in use here, before the revolution. It seems, by the event, that our ancestors were, in one respect, not in so melancholy a situation, as we, their posterity, are. In those times, the Crown, and the ministers of the Crown, without the intervention of Parliament, demolished charters, and levied taxes on the colonies, at pleasure. Governor Andross, in the time of James II. declared, that wherever an Englishman sets his foot, all he hath is the King's; and Dudley declared, at the Council Board, and even on the sacred seat of justice, that the privilege of Englishmen, not to be taxed

law of nature and nations. No jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties, privileges and immunities, of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural born subjects, born passing and repassing the seas, have, by sundry acts of Parliament, from Edward the third to this time, been declared natural born subjects; and even foreigners, residing a certain time in the colonies, are, by acts of Parliament, entitled to all the rights and privileges of natural born subjects. And it is remarkable, that the Act of 13 Geo. II. chap. 7, presupposes that the colonists are natural born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite. "Whereas the increase of people is the means of advancing wealth and strength of any nation or country; and whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural born subjects of this realm do enjoy." Which plainly shows it to be the sense of the nation, that the colonies were entitled to, and did actually enjoy, the advantages and privileges of natural born subjects. But if it could be admitted as clearly consistent with the constitution, for the Parliament of Great Britain to tax the property of the colonies, we presume it can

and thereby enlarge the King's dominions, they and their posterity should enjoy such rights and privileges as in their charters are expressed; which are, in general, all the rights, liberties and privileges of his Majesty's natural born subjects within the realm. The principal privilege implied, and in some of their charters expressed, is a freedom from all taxes, but such as they shall consent to in person, or by representatives of their own free choice and election. The late King James broke the original contract of the settlement and government of these colonies; but it proved happy for our ancestors in the end, that he had also broken the original compact with his three kingdoms. This left them some gleam of hope; this very thing, finally, was the cause of deliverance to the nation and the colonies, nearly at the same time; it was the Parliament, the supreme legislative and constitutional check on the supreme executive, that in time operated effects worthy of itself; the nation and her colonies have since been happy, and our princes patriot Kings. The law and reason teaches, that the King can do no wrong; and that neither King nor Parliament are otherwise inclined than to justice, equity and truth. But the law does not presume that the King may not be deceived, nor that the Parliament may not be misinformed. If, therefore, any thing is wrong, it must be imputed to such causes. How far such causes have taken place and operated against the colonies, is humbly submitted to the revision and reconsideration of all.

By the common law, the colonists are adjudged to be natural born subjects. So they are declared by royal charter; and they are so, by the spirit of the

law of nature and nations. No jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties, privileges and immunities, of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural born subjects, born passing and repassing the seas, have, by sundry acts of Parliament, from Edward the third to this time, been declared natural born subjects; and even foreigners, residing a certain time in the colonies, are, by acts of Parliament, entitled to all the rights and privileges of natural born subjects. And it is remarkable, that the Act of 13 Geo. II. chap. 7, presupposes that the colonists are natural born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite. "Whereas the increase of people is the means of advancing wealth and strength of any nation or country; and whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural born subjects of this realm do enjoy." Which plainly shows it to be the sense of the nation, that the colonies were entitled to, and did actually enjoy, the advantages and privileges of natural born subjects. But if it could be admitted as clearly consistent with the constitution, for the Parliament of Great Britain to tax the property of the colonies, we presume it can

be made to appear to be utterly inconsistent with the rules of equity that they should, at least at present. It must be considered, that by acts of Parliament, the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great Britain, saving a few articles. This gives the advantage to Great Britain of raising the price of her commodities, and is equal to a tax. It is too obvious to be doubted, that by the extraordinary demands from the colonies of the manufactures of Britain, occasioned by this policy, she reaps an advantage of at least twenty per cent. in the price of them, beyond what the colonies might purchase them for at foreign markets. The loss, therefore, to the colonists, is equal to the gain which is made in Britain. This in reality is a tax, though not a direct one; and admitting that they take annually from Great Britain, manufactures to the value of two millions sterling, as is generally supposed, they then pay an annual tax of four hundred thousand pounds, besides the taxes which are directly paid on those manufactures in England. The same reasoning will hold good with respect to the many enumerated articles of their produce, which the colonies are restrained, by act of Parliament, from sending to any foreign port. By this restraint, the market is glutted, and consequently the produce sold, is cheaper; which is an advantage to Great Britain, and an equal loss to, or tax upon, the colonists. Is it reasonable, then, that the colonies should be taxed on the British commodities here? especially when it is considered, that the most of them settled a wilderness, and, till very lately, defended their settlements

without a farthing's expense to the nation. They bore their full proportion of the charges of securing and maintaining his Majesty's rights in America, in every war from their first settlement, without any consideration; for the grants of Parliament in the last war were compensations for an overplus of expense on their part. Many of them, and this province in particular, have always maintained their own frontiers at their own expense; and have also frequently defended his Majesty's garrison at Annapolis, when it must otherwise have been unavoidably lost. The nation, in the late war, acquired lands equal in value to all the expense she had been at in America, from its settlement; while the trade of the colonies has been only "secured and restricted;" it has not been enlarged, though new avenues of beneficial commerce have been opened to the mother country. The colonies have reaped no share in the lands which they helped to conquer, while millions of acres of those very lands have been granted, and still are granting, to people who, in all probability, will never see, if they settle them.

The appropriation of the monies, to arise by these duties, is an objection of great weight. It is, in the first place, to be applied for the payment of the necessary charges of the administration of justice, and the support of civil government, in such colonies where it shall be judged necessary. This House apprehends it would be grievous, and of dangerous tendency, if the Crown should not only appoint Governors over the several colonies, but allow them such stipends as it shall judge proper, at the expense of the people, and without their consent. Such a power,

under a corrupt administration, it is to be feared, would introduce an absolute government in America; at best, it would leave the people in a state of utter uncertainty of their security, which is far from being a state of civil liberty. The Judges in the several colonies do not hold their commissions during good behavior. If then they are to have salaries independent of the people, how easy will it be for a corrupt Governor to have a set of Judges to his mind, to deprive a bench of justice of its glory, and the people of their security. If the Judges of England have independent livings, it must be remembered, that the tenure of their commission is during good behavior, which is a safeguard for the people. And besides, they are near the throne, the fountain of right and justice; whereas American Judges, as well as Governors, are at a distance from it. Moreover, it is worth particular notice, that in all disputes between power and liberty in America, there is danger that the greatest credit will always be given to the officers of the Crown, who are the men in power. This we have sometimes found by experience; and it is much to be feared, that the nation will fall into some dangerous mistake, if she has not already, by too great attention to the representations of particular persons, and a disregard to others.

But the residue of these monies is to be applied by Parliament, from time to time, for defending, protecting and securing the colonies. If the government at home is apprehensive that the colonists will be backward in defending themselves and securing his Majesty's territories in America, it must have been egregiously misinformed. We need look back no

farther than the last war, for evidence of a contrary disposition. They always discovered the most cheerful compliance with his Majesty's requisitions of men and money for this purpose. They were then treated as free British subjects, and never failed to grant aid to his Majesty of their own free accord, to the extent of their ability, and even beyond it; of which the Parliament were then so sensible, that they made them grants, from year to year, by way of compensation for extra services. It is not at all to be doubted, but if they are still considered upon the footing of subjects, they will always discover the same disposition to exert themselves for his Majesty's service and their own defense; which renders a standing army in the colonies a needless expense. Or, if it be admitted that there may be some necessity for them in the conquered province of Canada, where the exercise of the Romish religion, so destructive to civil society, is allowed, surely there can be no need of them in the bowels of the old colonies, and even in cities, where there is not the least danger of a foreign enemy, and where the inhabitants are as strongly attached to his Majesty's person, family and government, as in Great Britain itself. There is an *English* affection in the colonists towards the mother country, which will forever keep them connected with her, to every valuable purpose, unless it shall be erased by repeated unkind usage on her part. As Englishmen, as well as British subjects, they have an aversion to an unnecessary standing army, which they look upon as dangerous to their civil liberties; and considering the examples of ancient times, it seems a little

made. The stamp act was grievously complained of by all the colonies; and is there any real difference between this act and the stamp act? They were both designed to raise a revenue in America, and in the same manner, viz. by duties on certain commodities. The payment of the duties imposed by the stamp act, might have been eluded by a total disuse of the stamped paper; and so may the payment of these duties, by the total disuse of the articles on which they are laid; but in neither case, without difficulty. Therefore, the subjects here, are reduced to the hard alternative, either of being obliged totally to disuse articles of the greatest necessity, in common life, or to pay a tax without their consent.

The security of right and property, is the great end of government. Surely, then, such measures as tend to render right and property precarious, tend to destroy both property and government; for these must stand and fall together. It would be difficult, if possible, to show, that the present plan of taxing the colonies is more favorable to them, than that put in use here, before the revolution. It seems, by the event, that our ancestors were, in one respect, not in so melancholy a situation, as we, their posterity, are. In those times, the Crown, and the ministers of the Crown, without the intervention of Parliament, demolished charters, and levied taxes on the colonies, at pleasure. Governor Andross, in the time of James II. declared, that wherever an Englishman sets his foot, all he hath is the King's; and Dudley declared, at the Council Board, and even on the sacred seat of justice, that the privilege of Englishmen, not to be taxed

without their consent, and the laws of England, would not follow them to the ends of the earth. It was, also, in those days, declared in Council, that the King's subjects in New England did not differ much from slaves; and that the only difference was, that they were not bought and sold. But there was, even in those times an excellent Attorney General, Sir William Jones,[1] who was of another mind; and told King James, that he could no more grant a commission to levy money on his subjects in Jamaica, though a conquered island, without their consent, by an Assembly, than they could discharge themselves from their allegiance to the English Crown. But the misfortune of the colonists at present is, that they are taxed by Parliament, without their consent. This, while the Parliament continues to tax us, will ever render our case, in one respect, more deplorable and remediless, under the best of Kings, than that of our ancestors was, under the worst. They found relief by the interposition of Parliament. But by the intervention of that very power, we are taxed, and can appeal for relief, from their final decision, to no power on earth; for there is no power on earth above them.

The original contract between the King and the first planters here, was a royal promise in behalf of the nation, and which till very lately, it was never questioned but the King had a power to make; namely, that if the adventurers would, at their own cost and charge and at the hazard of their lives and every thing dear to them, purchase a new world, subdue a wilderness,

[1] 1631–1682; solicitor-general, 1673–1675; appointed attorney-general, June 25, 1675; resigned, November, 1679; see below, page 158.

contributing to the service of both. What is the plain language of such a suspension? We can discover no more nor less in it than this: If the American assemblies refuse to grant as much of their own and their constituents money, as shall from time to time be enjoined and prescribed by the Parliament, besides what the Parliament directly taxes them, they shall no longer have any legislative authority; but if they comply with what is prescribed, they may still be allowed to legislate under their charter restrictions. Does not political death and annihilation stare us in the face as strongly on one supposition as the other? Equally, in case of compliance as of non compliance.

But let us suppose, for a moment, a series of events taking place, the most favorable in the opinion of those who are so fond of these new regulations; that all difficulties and scruples of conscience were removed, and that every Representative in America should acknowledge a just and equitable right in the Commons of Great Britain, to make an unlimited grant of his and his constituents property; that they have a clear right to invest the Crown with all the lands in the colonies, as effectually as if they had been forfeited. Would it be possible for them to conciliate their constituents to such measures? Would not the attempt suddenly cut asunder all confidence and communication between the representative body and the people? What, then, would be the consequence? Could anything be reasonably expected but discontent, despair and rage, against their representatives, on the side of the people, and on the part of the government, the rigorous exertion of civil and

law of nature and nations. No jurist, who has the least regard to his reputation in the republic of letters, will deny that they are entitled to all the essential rights, liberties, privileges and immunities, of his Majesty's natural subjects, born within the realm. The children of his Majesty's natural born subjects, born passing and repassing the seas, have, by sundry acts of Parliament, from Edward the third to this time, been declared natural born subjects; and even foreigners, residing a certain time in the colonies, are, by acts of Parliament, entitled to all the rights and privileges of natural born subjects. And it is remarkable, that the Act of 13 Geo. II. chap. 7, presupposes that the colonists are natural born subjects; and that they are entitled to all the privileges of such; as appears by the preamble, which we shall now recite. "Whereas the increase of people is the means of advancing wealth and strength of any nation or country; and whereas many foreigners and strangers, from the lenity of our government and purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his Majesty's colonies in America, if they were made partakers of the advantages and privileges which natural born subjects of this realm do enjoy." Which plainly shows it to be the sense of the nation, that the colonies were entitled to, and did actually enjoy, the advantages and privileges of natural born subjects. But if it could be admitted as clearly consistent with the constitution, for the Parliament of Great Britain to tax the property of the colonies, we presume it can

sioners. If the property of the subject is taken from him, without his consent, it is immaterial whether it be done by one man, or five hundred; or whether it be applied for the support of ecclesiastic or military power, or both. It may be well worth the consideration of the best politician in Great Britain or America, what the natural tendency is of a vigorous pursuit of these measures. We are not insensible that some eminent men, on both sides the water, are less friendly to American charters and assemblies, than could be wished. It seems to be growing fashionable to treat them, in common conversation, as well as in popular publications, with contempt. But if we look back a few reigns, we shall find that even the august assembly, the Parliament, was, in every respect, the object of a courtier's reproach. It was even an aphorism with King James the First, that the Lords and Commons were two very bad copartners with a Monarch; and he and his successors broke the copartnership as fast as possible. It is certainly unnatural for a British politician to expect, that ever the supreme executive of the nation can long exist, after the supreme legislative shall be depressed and destroyed, which may God forbid. If the supreme executive cannot exist long in Britain, without the support of the supreme legislative, it should seem very reasonable, in order to support the same supreme executive, at the distance of a thousand transmarine leagues from the metropolis, there should be, in so remote dominions, a free legislative, within their charter limitations, as well as an entirely free representative of the supreme executive of his Majesty, in the persons

without a farthing's expense to the nation. They bore their full proportion of the charges of securing and maintaining his Majesty's rights in America, in every war from their first settlement, without any consideration; for the grants of Parliament in the last war were compensations for an overplus of expense on their part. Many of them, and this province in particular, have always maintained their own frontiers at their own expense; and have also frequently defended his Majesty's garrison at Annapolis, when it must otherwise have been unavoidably lost. The nation, in the late war, acquired lands equal in value to all the expense she had been at in America, from its settlement; while the trade of the colonies has been only "secured and restricted;" it has not been enlarged, though new avenues of beneficial commerce have been opened to the mother country. The colonies have reaped no share in the lands which they helped to conquer, while millions of acres of those very lands have been granted, and still are granting, to people who, in all probability, will never see, if they settle them.

The appropriation of the monies, to arise by these duties, is an objection of great weight. It is, in the first place, to be applied for the payment of the necessary charges of the administration of justice, and the support of civil government, in such colonies where it shall be judged necessary. This House apprehends it would be grievous, and of dangerous tendency, if the Crown should not only appoint Governors over the several colonies, but allow them such stipends as it shall judge proper, at the expense of the people, and without their consent. Such a power,

under a corrupt administration, it is to be feared, would introduce an absolute government in America; at best, it would leave the people in a state of utter uncertainty of their security, which is far from being a state of civil liberty. The Judges in the several colonies do not hold their commissions during good behavior. If then they are to have salaries independent of the people, how easy will it be for a corrupt Governor to have a set of Judges to his mind, to deprive a bench of justice of its glory, and the people of their security. If the Judges of England have independent livings, it must be remembered, that the tenure of their commission is during good behavior, which is a safeguard for the people. And besides, they are near the throne, the fountain of right and justice; whereas American Judges, as well as Governors, are at a distance from it. Moreover, it is worth particular notice, that in all disputes between power and liberty in America, there is danger that the greatest credit will always be given to the officers of the Crown, who are the men in power. This we have sometimes found by experience; and it is much to be feared, that the nation will fall into some dangerous mistake, if she has not already, by too great attention to the representations of particular persons, and a disregard to others.

But the residue of these monies is to be applied by Parliament, from time to time, for defending, protecting and securing the colonies. If the government at home is apprehensive that the colonists will be backward in defending themselves and securing his Majesty's territories in America, it must have been egregiously misinformed. We need look back no

farther than the last war, for evidence of a contrary disposition. They always discovered the most cheerful compliance with his Majesty's requisitions of men and money for this purpose. They were then treated as free British subjects, and never failed to grant aid to his Majesty of their own free accord, to the extent of their ability, and even beyond it; of which the Parliament were then so sensible, that they made them grants, from year to year, by way of compensation for extra services. It is not at all to be doubted, but if they are still considered upon the footing of subjects, they will always discover the same disposition to exert themselves for his Majesty's service and their own defense; which renders a standing army in the colonies a needless expense. Or, if it be admitted that there may be some necessity for them in the conquered province of Canada, where the exercise of the Romish religion, so destructive to civil society, is allowed, surely there can be no need of them in the bowels of the old colonies, and even in cities, where there is not the least danger of a foreign enemy, and where the inhabitants are as strongly attached to his Majesty's person, family and government, as in Great Britain itself. There is an *English* affection in the colonists towards the mother country, which will forever keep them connected with her, to every valuable purpose, unless it shall be erased by repeated unkind usage on her part. As Englishmen, as well as British subjects, they have an aversion to an unnecessary standing army, which they look upon as dangerous to their civil liberties; and considering the examples of ancient times, it seems a little

surprising, that a mother state should trust large bodies of mercenary troops in her colonies, at so great a distance from her, lest, in process of time, when the spirits of the people shall be depressed by the military power, another Cæsar should arise and usurp the authority of his master.

The act enabling his Majesty to appoint Commissioners of the Customs to reside in America, has also been read in the House.[1] It declares an intention to facilitate the trade of America, of which we cannot have any great hopes, from the tenor of the commission. In general, innovations are dangerous; the unnecessary increase of Crown Officers is most certainly so. These gentlemen are authorized to appoint as many as they shall think proper, without limitation. This will probably be attended with undesirable effects. An host of pensioners, by the arts they may use, may in time become as dangerous to the liberties of the people as an army of soldiers; for there is a way of subduing a people by art, as well as by arms. We are happy and safe under his present Majesty's mild and gracious administration; but the time may come, when the united body of pensioners and soldiers may ruin the liberties of America. The trade of the colonies, we apprehend, may be as easily carried on, and the acts of trade as duly enforced, without this commission; and, if so, it must be a very needless expense, at the time when the nation and her colonies are groaning under debts contracted in the late war, and how far distant another may be, God only knows.

[1] 7 Geo. III., chap. 41.

There is another act, which, this House apprehends, must be alarming to all the colonies; which is the act for suspending the legislative power of the Assembly of New York on a certain condition.[1] A legislative body, without the free exercise of the powers of legislation, is to us incomprehensible. There can be no material difference between such a legislative and none at all. It cannot be said, that the Assembly of New York hath the free exercise of legislative power, while their very existence is suspended upon their acting in conformity to the will of another body. Such a restriction throughout the colonies, would be a short and easy method of annihilating the legislative powers in America, and by consequence of depriving the people of a fundamental right of the constitution, namely, that every man shall be present in the body which legislates for him.

It may not be amiss to consider the tendency of a suspension of colony legislation for a non compliance with acts of Parliament, requiring a Provincial Assembly to give and grant away their own and their constituents money for the support of a standing army. We cannot but think it hard enough to have our property granted away without our consent, without being ordered to deal it out ourselves, as in the case of the mutiny act. It must be sufficiently humiliating to part with our property in either of those ways, much more in both; whereby, as loyal subjects as any under his Majesty's government, and as true lovers of their country as any people whatever, are deprived of the honor and merit of voluntarily

[1] 7 Geo. III., chap. 59.

contributing to the service of both. What is the plain language of such a suspension? We can discover no more nor less in it than this: If the American assemblies refuse to grant as much of their own and their constituents money, as shall from time to time be enjoined and prescribed by the Parliament, besides what the Parliament directly taxes them, they shall no longer have any legislative authority; but if they comply with what is prescribed, they may still be allowed to legislate under their charter restrictions. Does not political death and annihilation stare us in the face as strongly on one supposition as the other? Equally, in case of compliance as of non compliance.

But let us suppose, for a moment, a series of events taking place, the most favorable in the opinion of those who are so fond of these new regulations; that all difficulties and scruples of conscience were removed, and that every Representative in America should acknowledge a just and equitable right in the Commons of Great Britain, to make an unlimited grant of his and his constituents property; that they have a clear right to invest the Crown with all the lands in the colonies, as effectually as if they had been forfeited. Would it be possible for them to conciliate their constituents to such measures? Would not the attempt suddenly cut asunder all confidence and communication between the representative body and the people? What, then, would be the consequence? Could anything be reasonably expected but discontent, despair and rage, against their representatives, on the side of the people, and on the part of the government, the rigorous exertion of civil and

military power? The confusion and misery, after such a fatal crisis, cannot be conceived, much less described.

The present regulations and proceedings, with respect to the colonies, we apprehend to be opposite to every principle of good and sound policy. A standing army, in time of profound peace, is naturally productive of uneasiness and discontent among the people; and yet the colonies, by the mutiny act, are ordered and directed to provide certain enumerated articles; and the pains and penalties, in case of non compliance, are evident, in the precedent of New York. It also appears, that revenue officers are multiplying in the colonies, with vast powers. The Board of Commissioners, lately appointed to reside here, have ample discretionary powers given them, to make what appointments they please, and to pay the appointees what sums they please. The establishment of a Protestant Episcopate, in America, is also very zealously contended for;[1] and it is very alarming to a people, whose fathers, from the hardships they suffered, under such an establishment, were obliged to fly their native country into a wilderness, in order peaceably to enjoy their privileges, civil and religious. Their being threatened with the loss of both at once, must throw them into a disagreeable situation. We hope in God such an establishment will never take place in America, and we desire you would strenuously oppose it. The revenue raised in America, for ought we can tell, may be constitutionally applied towards the support of prelacy, as of soldiers and pen-

[1] *Cf. The Anglican Episcopal and the American Colonies*, by A. L. Cross, 1902.

sioners. If the property of the subject is taken from him, without his consent, it is immaterial whether it be done by one man, or five hundred; or whether it be applied for the support of ecclesiastic or military power, or both. It may be well worth the consideration of the best politician in Great Britain or America, what the natural tendency is of a vigorous pursuit of these measures. We are not insensible that some eminent men, on both sides the water, are less friendly to American charters and assemblies, than could be wished. It seems to be growing fashionable to treat them, in common conversation, as well as in popular publications, with contempt. But if we look back a few reigns, we shall find that even the august assembly, the Parliament, was, in every respect, the object of a courtier's reproach. It was even an aphorism with King James the First, that the Lords and Commons were two very bad copartners with a Monarch; and he and his successors broke the copartnership as fast as possible. It is certainly unnatural for a British politician to expect, that ever the supreme executive of the nation can long exist, after the supreme legislative shall be depressed and destroyed, which may God forbid. If the supreme executive cannot exist long in Britain, without the support of the supreme legislative, it should seem very reasonable, in order to support the same supreme executive, at the distance of a thousand transmarine leagues from the metropolis, there should be, in so remote dominions, a free legislative, within their charter limitations, as well as an entirely free representative of the supreme executive of his Majesty, in the persons

of Governors, Judges, Justices, and other executive officers; otherwise strange effects are to be apprehended; for the laws of God and nature are invariable. A politician may apply or misapply these to a multiplicity of purposes, good or bad; but these laws were never made for politicians to alter. Should the time ever come, when the legislative assemblies of North America shall be dissolved and annihilated, no more to exist again, a strange political phenomenon will probably appear. All laws, both of police and revenue, must then be made by a legislative, at such a distance, that without immediate inspiration, the local and other circumstances of the governed, cannot possibly be known to those who give and grant to the Crown, what part of the property of their fellow subjects they please. There will then be no Assemblies to support the execution of such laws; and, indeed, while existing, by what rule of law or reason, are the members of the Colony Assemblies executive officers? They have, as Representatives, no commission but from their constituents; and it must be difficult to show, why they are more obliged to execute acts of Parliament, than such of their constituents as hold no commissions from the Crown. The most that can be expected from either, is submission to acts of Parliament; or to aid the officers, as individual, or part of the posse comitatus, if required. It would seem strange to call on the Representatives, in any other way, to execute laws against their constituents and themselves, which both have been so far from consenting to, that neither were consulted in framing them. Yet it was objected by some, to the American

Assemblies, that they neglected to execute the stamp act; and that their resolves tended to raise commotions; which certainly was not the case here. For all the disorders in Boston, in which any damage was done to property, happened long before the resolves of the House of Representatives here were passed.

We have reason to believe, that the nation has been grossly misinformed with respect to the temper and behavior of the colonists; and it is to be feared that some men will not cease to sow the seeds of jealousy and discord, till they shall have done irreparable mischief. You will do a singular service to both countries, if possible, in detecting them. In the mean time, we desire you would make known to his Majesty's ministers the sentiments of this House, contained in this letter, and implore a favorable consideration of America.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE EARL OF SHELBURNE.[1] JANUARY 15, 1768.[2]

[*Massachusetts State Papers*, pp. 137–141.]

My Lord,

The House of Representatives of this his Majesty's province, having had experience of your Lordship's

[1] William Petty, first Marquis of Lansdowne (1737–1805); he became Secretary of State for the Southern Department in July, 1766; in January, 1768, was relieved of jurisdiction over the American colonies by the creation of a third department under Hillsborough; in April, 1768, opposed Hillsborough's instructions to Bernard with reference to the circular letter; resigned, October 19, 1768.

[2] This letter and six others (to Rockingham, January 22; Shelburne, January 22; Camden, January 29; Chatham, February 2; Conway, February 13, and to the Commissioners of the Treasury, February 17,) are printed, although the authorship of them is not conclusively determined. They form a part of a

generous sentiments of his Majesty's most loyal, though remote subjects in America, and of your noble exertions in their behalf, in the late time of their distress, beg leave to lay before your Lordship's view the new scenes of difficulty which are again opened upon us, and to implore your repeated inter-position.

Your Lordship is not insensible that our forefathers were, in an unhappy reign, driven into this wilderness by the hand of power. At their own expense they crossed an ocean of three thousand miles, and purchased an inheritance for themselves and their posterity, with the view of propagating the christian religion, and enlarging the English dominion in this distant part of the earth. Through the indulgent smiles of Heaven upon them, though not without hardship and fatigue; unexperienced, and perhaps hardly to be conceived by their brethren and fellow subjects in their native land; and with the constant peril of their lives from a numerous race of men, as barbarous and cruel, and yet as warlike as any people upon the face of the earth, they increased their numbers, and enlarged their settlement. They obtained

series of documents of which four of the most important (the letter to De Berdt, January 12, the petition to the King, January 20, the circular letter to the other legislatures, February 11, and the letter to Hillsborough, June 30,) were written by Adams, and of which entire series the production has been attributed to him. See J. Winsor, *Memorial History of Boston*, vol. iii., p. 22; J. Winsor, *Narrative and Critical History of America*, vol. vi., pp. 42, 83. S. A. Wells, in his unpublished work (1840), claimed that Adams was the author of the entire series. All of the letters, except that of June 30, were printed in *The True Sentiments of America*, London, 1768, which was commonly credited to Adams. Most of these letters were presented to the House by a committee, consisting of Adams, Otis, Cushing, Hawley, Hancock, Sheaffe, Bowers, and Dexter, appointed December 30, 1767, "to take under consideration the State of the Province."

a charter from King Charles the First, wherein his Majesty was pleased to recognize to them a liberty to worship God according to the dictates of their conscience; a blessing which in those unhappy times was denied to them in their own country; and the rights, liberties, privileges and immunities of his natural born subjects within the realm. This charter they enjoyed, having punctually fulfilled the conditions of it, till it was vacated, as we conceive arbitrarily, in the reign of King Charles the Second. After the revolution, that grand era of British liberty, when King William and Queen Mary, of glorious and blessed memory, were established on the throne, the inhabitants of this province obtained another charter, in which the most essential rights and privileges, contained in the former, were restored to them. Thus blessed with the liberties of Englishmen, they continued to increase and multiply, till, as your Lordship knows, a dreary wilderness is become a fruitful field, and a grand source of national wealth and glory.

By the common law, my Lord, as well as sundry acts of Parliament, from the reign of Edward the Third, the children of his Majesty's natural born subjects, born passing and repassing the seas, are entitled to all the rights and privileges of his natural subjects born within the realm. From hence the conclusion appears to be indisputable, that the descendants of his Majesty's subjects in the realm, who migrated with the consent of the nation, and purchased a settlement with their own treasure and blood, without any aid from the nation; who early acknowl-

edged their allegiance to the Crown of England, and have always approved themselves faithful subjects, and in many instances given signal proofs of their loyalty to their King, and their firm attachment and affection to their mother country; the conclusion is strong, that exclusive of any consideration of their charter, they are entitled to the rights and privileges of the British Constitution, in common with their fellow subjects in Britain. And it is very remarkably the sense of the British nation, that they are so, as appears by an act of Parliament, made in the 13th of his late Majesty, King George the Second. The preamble of that act[1] plainly presupposes it; and the purview of the same act enables and directs the Superior Court of Judicature of this province, a court erected by the authority of the General Court, to naturalize foreigners, under certain conditions; which it is presumed, the wisdom of the Parliament would not have empowered any people to do, who were not themselves deemed natural born subjects.

The spirit of the law of nature and nations, supposes, that all the free subjects of any kingdom, are entitled equally to all the rights of the constitution; for it appears unnatural and unreasonable to affirm, that local, or any other circumstances, can justly deprive any part of the subjects of the same prince, of the full enjoyment of the rights of that constitution, upon which the government itself is formed, and by which sovereignty and allegiance are ascertained and limited. But your Lordship is so thoroughly acquainted with the extent of the rights of men and of

[1] See above, page 141.

subjects, as to render it altogether improper to take up any more of your time on this head.

There are, my Lord, fundamental rules of the constitution, which it is humbly presumed, neither the supreme legislative nor the supreme executive can alter. In all free states, the constitution is fixed; it is from thence, that the legislative derives its authority; therefore it cannot change the constitution without destroying its own foundation. If, then, the constitution of Great Britain is the common right of all British subjects, it is humbly referred to your Lordship's judgment, whether the supreme legislative of the empire may rightly leap the bounds of it, in the exercise of power over the subjects in America, any more than over those in Britain.

When mention is made of the rights of American subjects, and the interest they have in the British constitution, in common with all other British subjects, your Lordship is too candid and just in your sentiments, to suppose that the House have the most distant thought of an independency of Great Britain. They are not insensible of their security and happiness in their connexion with, and dependence on the mother state. These, my Lord, are the sentiments of the House, and of their constituents; and they have reason to believe, they are the sentiments of all the colonies. Those who are industriously propagating in the nation a different opinion of the colonists, are not only doing the greatest injustice to them, but an irreparable injury to the nation itself.

It is the glory of the British constitution, that it has its foundation in the law of God and nature. It

is essentially a natural right, that a man shall quietly enjoy, and have the sole disposal of his own property. This right is ingrafted into the British constitution, and is familiar to the American subjects. And your Lordship will judge, whether any necessity can render it just and equitable in the nature of things, that the supreme legislative of the empire, should impose duties, subsidies, talliages and taxes, internal or external, for the sole purpose of raising a revenue, upon subjects that are not, and cannot, considering their local circumstances, by any possibility, be equally represented, and consequently, whose consent cannot be had in Parliament.

The security of right and property, is the great end of government. Surely, then, such measures as tend to render right and property precarious, tend to destroy both property and government, for these must stand or fall together. Property is admitted to have an existence in the savage state of nature; and if it is necessary for the support of savage life, it by no means becomes less so in civil society. The House intreat your Lordship to consider, whether a colonist can be conceived to have any property which he may call his own, if it may be granted away by any other body, without his consent. And they submit to your Lordship's judgment, whether this was not actually done, when the act for granting to his Majesty certain duties on paper, glass and other articles, for the sole and express purpose of raising a revenue in America, was made. It is the judgment of Lord Coke, that the Parliament of Great Britain cannot tax Ireland "*quia milites ad Parliamentum*

non mittant." And Sir William Jones an eminent jurist, declared it as his opinion, to King Charles the Second, that he could no more grant a commission to levy money on his subjects in Jamaica, without their consent, by an assembly, than they could discharge themselves from their allegiance to the Crown. Your Lordship will be pleased to consider that Ireland and Jamaica were both conquered; which cannot be said of any of the colonies, Canada excepted; the argument therefore, is stronger in favor of the colonies.

Our ancestors, when oppressed in the unfortunate reign of James the Second, found relief by the interposition of the Parliament. But it is the misfortune of the colonies at present, that by the intervention of that power they are taxed; and they can appeal for relief from their final decision to no power on earth, for there is no power on earth above them. Your Lordship will indulge the House in expressing a deep concern upon this occasion; for it is the language of reason, and it is the opinion of the greatest writers on the law of nature and nations, that if the parliament should make any considerable change in the constitution, and the nation should be voluntarily silent upon it, this would be considered as an approbation of the act.

But the House beg leave to represent to your Lordship, that although the right of the Parliament to impose taxes on the colonies, without a representation there, was indisputable, we humbly conceive it may be made fully to appear to be unequal that they should, at least at present. Your Lordship will be

pleased to remember, that by an act of Parliament, the colonists are prohibited from importing commodities and manufactures of the growth of Europe, saving a few articles, except from Great Britain. This prohibition not only occasions a much greater demand upon the mother country for her manufactures, but gives the manufacturers there the advantage of their own price; and can it be questioned, my Lord, but the colonists are obliged by means of this policy, to purchase the British manufactures at a much dearer rate, than the like manufactures would be purchased at, if they were allowed to go to foreign markets? It is a loss to the colonists, and an equal gain to Great Britain. The same reasoning holds good with respect to the many articles of their produce, which the colonies are restrained by act of Parliament from sending to foreign ports. This is in reality a tax, though an indirect one, on the colonies; besides the duties of excise and customs laid on the manufactures in Great Britain. A celebrated British writer on trade, computes the artificial value arising from these duties, to be no less than fifty per cent. Your Lordship will then form an estimate of the part that is paid by the colonies upon the importation into America, which is generally said to be at least the value of two millions sterling.

The House is not, at this time, complaining of this policy of the mother state; but beg your Lordship's impartial and candid consideration, whether it is not grievous to the colonies to be additionally taxed upon the commodities of Great Britain here, and to be solely charged with the defending and securing his

Majesty's colonies, after they have cheerfully borne their full proportion of maintaining his Majesty's rights in this part of his dominions, and reducing his enemies to terms of peace.

Your Lordship will allow the House to express their fears, that the colonies have been misrepresented to his Majesty's ministers and Parliament, as having an undutiful disposition towards his Majesty, and a disaffection to the mother kingdom. It has, till a few years past, been the usage for his Majesty's requisitions to be laid before the Representatives of his people in America; and we may venture to appeal to your Lordship, that the people of this province have been ready to afford their utmost aid for his Majesty's service. It would be grievous to his most faithful subjects, to be called upon for aid in a manner which implies a mistrust of a free and cheerful compliance. And the House intreat your Lordship's consideration whether our enemies at least, would not infer a want of duty and loyalty in us, when the parliament have judged it necessary to compel us by laws for that purpose; as by the late acts for raising a revenue in America, and the act for preventing mutiny and desertion; in the latter of which the Governor and Council are directed to supply the King's troops with enumerated articles, and the people are required to pay the expense. But besides your Lordship will judge whether the execution of this act can comport with the existence of a free legislative in America.

It is unnatural to expect, that the supreme executive power can long exist, if the supreme legislative

should be depressed and destroyed. In order, therefore, to support the supreme executive of his Majesty, at so great a distance, in the person of his Governor, Judges, and other executive officers, it seems necessary that there should be a legislative in America as perfectly free, as can consist with a subordination to the supreme legislative of the whole empire. Such a legislative is constituted by the royal charter of this province. In this charter, my Lord, the King, for himself, his heirs and successors, grants to the General Assembly full power and authority to impose and levy proportionable and reasonable assessments, rates and taxes, upon the estates and persons of the inhabitants, to be issued and disposed of, by warrant under the hand of the Governor, with the advice and consent of the Council, for the service of his Majesty, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants, according to such acts as are, or shall be, in force in the province. And the House are humbly of opinion, that the legislative powers in the several colonies in America, were originally erected upon a conviction, that the subjects there could not be represented in the supreme legislative, and consequently that there was a necessity that such powers should be erected.

It is, by no means, my Lord, a disposition in the House to dispute the just authority of the supreme legislative of the nation, that induces them thus to address your Lordship; but a warm sense of loyalty to their Prince, and, they humbly apprehend, a just concern for their natural and constitutional rights.

They beg your Lordship will excuse their trespassing upon your time and attention to the great affairs of state. They apply to you, as a friend to the rights of mankind, and of British subjects. As *Americans*, they implore your Lordship's patronage, and beseech you to represent their grievances to the King, our Sovereign, and employ your happy influence for their relief.

PETITION BY THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE KING. JANUARY 20, 1768.[1]

[MS., Samuel Adams Papers, Lenox Library; a slightly modified text is in *Prior Documents*, pp. 175-177, and in *Massachusetts State Papers*, pp. 121–123.]

MOST GRACIOUS SOVEREIGN

Your Majestys faithfull Subjects the Representatives of the Massachusetts Bay, with the warmest Sentiments of Loyalty Duty & Affection, beg Leave to approach the Throne; & to lay at your Majestys feet their humble Supplications, in Behalf of your distressd Subjects the People of the Province.

Our Ancestors, the first Settlers of this Country having with the Royal Consent, which we humbly apprehend involves the Consent of the Nation & at their own great Expence migrated from the mother kingdom, took the possession of this Land, at that time a Wilderness, the Right whereof they had purchasd for a valueable Consideration of the Council establishd at Plymouth, to whom it had been granted

[1] This petition was reported by the Speaker from the committee on the state of the province on the morning of January 20; it was then recommitted, and in the afternoon was read paragraph by paragraph, amended and accepted.

by your Majestys Royal Predecessor King James the first.

From the Principles of Loyalty to their Sovereign, which will ever warm the Breast of a true Subject, tho remote they ever acknowledgd their Allegiance to the English Crown, & your Majesty will allow us with all humility to say that they & their Posterity even to this time have afforded frequent & signal Proofs of their Zeal for the Honor & Service of their Prince & their firm Attachment to the Parent Country.

With Toil & Fatigue, perhaps not to be conceivd by their Brethren & Fellow Subjects at home, & with the constant Peril of their Lives, from a numerous, savage & warlike Race of Men, they began their Settlement & God prosperd them.

They obtaind a Charter from King Charles the first, wherein his Majesty was pleasd to grant to them & their Heirs & Assigns forever all the Lands therein describd, to hold of him & his Royal Successors in free & common Socage, which we humbly conceive is as absolute an Estate as the Subject can hold under the Crown. And in the same Charter were granted to them & their posterity all the Rights Liberties Privileges & Immunities of natural Subjects born within the Realm.

This Charter they enjoyd, having as we most humbly conceive punctually complyd with all the Conditions of it, till in an unhappy time it was vacated. But after the Revolution, when King William & Queen Mary of glorious & blessed Memory were establishd on the Throne; In that unhappy Reign

when to the Joy of the Nation & its Dependencys, the Crown was settled in your Majestys illustrious Family, the Inhabitants of this province shard in the common Blessing. Then they were indulgd with another Charter in which their Majestys were pleasd for themselves, their Heirs & Successors to grant & confirm to them, as ample Estate in the Lands or Territorys as was granted by the former Charter, together with other the most essential Rights & Libertys containd therein: The principal of which is that which your Majestys Subjects within the Realm have ever held a most sacred Right, of being taxed only by Representatives of their own free Election.

Thus blessd with the Rights of Englishmen, thro the indulgent Smiles of Heaven, & under the auspicious Government of your Majesty and your royal Predecessors, your people of this province have been happy, and your Majesty has acquired a numerous Increase of loyal Subjects, a large Extent of Dominion & a new & inexhaustible Source of Commerce Wealth & Glory.

With great Sincerity, permit us to assure your Majesty that your Subjects of this Province, ever have & still continue to acknowledge your Majestys high Court of Parliament, the supreme Legislative power of the whole Empire. The superintending authority of which is clearly admitted in all Cases, that can consist with the fundamental Rights of Nature & the Constitution to which your Majestys happy Subjects in all parts of your Empire conceive they have a just & equitable Claim.

It is with the deepest Concern that your humble Suppliants would represent to your Majesty, that your Parliament, the Rectitude of whose Intentions is never to be questiond, has thought proper to pass divers Acts imposing Taxes on your Majestys Subjects in America with the sole & express purpose of raising a Revenue. If your Majestys Subjects here shall be deprivd of the Honor & Privilege of voluntarily contributing their Aid to your Majesty in supporting your Governm^{t} & Authority in the Province & defending & securing your Rights & Territorys in America, which they have always hitherto done with the utmost Cheerfullness; If these acts of parliament shall remain in force and your Majestys commons in Great Britain shall continue to exercise the power of granting the property of their fellow Subjects in this province, your People must then regrett their unhappy fate in having only the name left of free Subjects. With all humility we conceive that a Representation of your Majestys Subjects of this Province in the parliam^{t} considering their local Circumstances is utterly impracticable. Your Majesty has heretofore been graciously pleasd to order your requisitions to be laid before the Representatives of your People in the General Assembly who have never faild to afford the necessary Aid to the extent of their Ability, & some times beyond it; & it w^{d} be ever grievous to your Majestys faithfull Subjects to be called upon in a Way that should appear to them to imply a Distrust of their most ready & willing Compliance.

Under the most sensible Impressions of your Majestys wise & paternal Care for the Remotest of your

faithfull Subjects, & in full Dependence on the royal Declarations in the Charter of this province, we most humbly beseech your Majesty to take our present unhappy Circumstances under your royal Consideration, & afford us Reliefe in such Manner as to your Majestys great Wisdom & Clemency shall seem meet.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE EARL OF SHELBURNE. JANUARY 22, 1768.

[*Prior Documents*, pp. 197–199.]

My Lord,

His Excellency Governor Bernard has been pleased to give orders to the secretary of this province to read to the House of Representatives a letter he had received from your Lordship, dated Whitehall the 17th of September, 1767;[1] which having done the secretary withdrew, without leaving a copy as usual.

The House were both grieved and astonished to find your Lordship under a necessity of expressing such unfavourable sentiments of the two Houses of the general assembly, as well as of some particular members of this House, altogether strangers to you, with regard to the election of counsellors in May last. They observed, that your Lordship's letter had a reference to several of his Excellency's letters, upon which your sentiments seemed to be formed: and as his Excellency had intimated to the Speaker of the House his desire of having a copy of a certain

[1] Printed in the Journal of the House, 1767–1768, appendix, pp. 34, 35. In the same appendix are included the other documents of the series.

letter which the House had directed to be sent to the Speakers of the several Houses of Assembly in the other colonies, a copy of which it is presumed will be laid before your Lordship; the House appointed a committee to wait on his Excellency, and acquaint him, that they were ready to lay before him the said letter, and their whole proceedings, relating to an important affair then before them, if he should desire it. And the same committee was directed humbly to request his Excellency to favour the House with a copy of your Lordship's letter, together with his own letters to which it referred. Whereupon messages passed between the Governor and the House, which the House begs leave to inclose to your Lordship.

As the House think they have just grounds of suspicion, that his Excellency's letters to your Lordship contain, at least, an implication of charge and accusation against them, which they are kept in ignorance of, they rely upon your known candour and justice, that upon this their humble request, you will be pleased to give orders, that copies be laid before the House of Representatives; that they may have the opportunity of vindicating themselves and their constituents, and of happily removing from your mind an opinion of them, grounded, as your Lordship might then reasonably judge, upon good information, as having behaved in a manner unbecoming the character of loyal subjects. They hope you will be so favourable as to suspend your farther judgment of them, till they can be made acquainted with the matters that may have been alledged against them, and can make their defence. In the mean time they beg

leave just to mention to your Lordship, that the elections of the last May, so far as this House had a part in them, were made with a freedom and deliberation suitable to the importance of them: and that they were influenced by no motives but the prosperity of his Majesty's government, and the happiness of his subjects: that the non-election of several gentlemen of distinguished character and station, was by no means the effect of party prejudice, private resentment, or motives still more blameable; but the result of calm reflection upon the danger that might accrue to our excellent constitution, and the liberties of the people, from too great an opinion of the legislative, executive and judiciary powers of government, which, in the opinion of the greatest writers, ought always to be kept separate: nor was this a new opinion, formed at a certain period; but it has been the prevailing sentiment of many of the most sensible and unexceptionable gentlemen in the province for many years past; upon principles, which your Lordship's thorough knowledge of the constitution, and the just balance of the several powers of government, this House is assured, will justify. And although his Excellency was pleased to exercise his undoubted right of negativing some of the gentlemen elected, the House have had no reason to alter their opinion of them, as being unexceptionable in point of ability, fortune, and character. They beg pardon for this further trouble given to your Lordship, which they could not avoid; being solicitous to set their conduct in its true point of light before you; and they rely upon your known justice, that you will intercede with

the throne for this province. They are assured, that your Lordship will not suffer a province to be misrepresented, even by persons of station here: and if there be any such, they flatter themselves, that their removal will render this people happy in the esteem of the parent country, and much more so in the smiles of the best of Kings.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE MARQUIS OF ROCKINGHAM.[1] JANUARY 22, 1768.[2]

[*Massachusetts State Papers*, pp. 142–144.]

My Lord,

The House of Representatives of this his Majesty's province, have had the honor of your letter of the 7th of May last, communicated to them by their Speaker; and thank your Lordship for your condescension, in the kind sentiments you are pleased to express of his Majesty's good subjects of America, and of this province. The establishing the harmony between Great Britain and her colonies, is a subject which your Lordship had judged worthy of your particular attention; and the exertions which you have made for this very important purpose, claims the most grateful acknowledgments of this House. Your sentiments are so nobly extended beyond the most distant partial considerations, as must distinguish you

[1] Charles Watson-Wentworth (1730-1782), second marquis of Rockingham; appointed to the treasury department, July 10, 1765; head of the administration, July, 1765–July, 1766. Cf. *Memoirs of the Marquis of Rockingham*, 2 vols.

[2] Reported from the committee on the state of the province, amended and accepted.

as a patron of the colonies, a friend to the British constitution, and the rights of mankind.

Your Lordship is pleased to say, that you will not adopt a system of arbitrary rule over the colonies; nor do otherwise than strenuously resist, where attempts shall be made to throw off that dependence, to which the colonies ought to submit. And your Lordship, with great impartiality, adds, "not only for the advantage of Great Britain, but for their own real happiness and safety."

This House, my Lord, have the honor heartily to join with you in sentiment; and they speak the language of their constituents. So sensible are they of their happiness and safety, in their union with, and dependence upon, the mother country, that they would by no means be inclined to accept of an independency, if offered to them. But, my Lord, they intreat your consideration, whether the colonies have not reason to fear some danger of arbitrary rule over them, when the supreme power of the nation have thought proper to impose taxes on his Majesty's American subjects, with the sole and express purpose of raising a revenue, and without their consent.

My Lord, the superintending power of that high court over all his Majesty's subjects in the empire, and in all cases which can consist with the fundamental rules of the constitution, was never questioned in this province, nor, as the House conceive, in any other. But, in all free states, the constitution is fixed; it is from thence, that the supreme legislative, as well as the supreme executive derives its author-

ity. Neither, then, can break through the fundamental rules of the constitution, without destroying their own foundation.

It is humbly conceived, that all his Majesty's happy subjects, in every part of his wide extended dominions, have a just and equitable claim to the rights of that constitution, upon which government itself is formed, and by which sovereignty and allegiance are ascertained and limited. Your Lordship will allow us to say, that it is an essential right of a British subject, ingrafted into the constitution, or, if your Lordship will admit the expression, a sacred and unalienable, natural right, quietly to enjoy and have the sole disposal of his own property. In conformity to this, the acts of the British Parliament declare, that every individual in the realm is present in his Majesty's high court of Parliament, by himself, or his representative, of his own free election. But, my Lord, it is apprehended that a just and equal representation of the subjects, at the distance of a thousand transmarine leagues from the metropolis, is utterly impracticable. Upon this opinion, this House humbly conceive his Majesty's royal predecessors thought it equitable to form subordinate legislative powers in America, as perfectly free as the nature of things would admit, that so their remote subjects might enjoy a right, which those within the realm have ever held sacred, of being taxed only by representatives of their own free election.

The House beg leave to observe to your Lordship, that the monies which shall arise by the act for granting to his Majesty certain duties on paper, glass and

other articles, passed in the last session of Parliament, are to be applied, in the first place, for the payment of the necessary charges of the administration of justice, and the support of civil government in such colonies as shall be judged necessary; and the residue for defending, protecting and securing the colonies. They intreat your Lordship's consideration, what may be the consequences, in some future time, if the Crown, in addition to its right of appointing Governors over the colonies, which this House cheerfully recognize, should appoint them such stipends as it shall judge fit, without the consent of the people, and at their expense. And as the Judges of the land here do not hold their commissions during good behavior, your Lordship will judge, whether it may not hereafter happen, that at so great a distance from the throne, the fountain of justice, for want of an adequate check, corrupt and arbitrary rule may take place, even within the colonies, which may deprive a bench of justice of its glory, and the people of their happiness and safety.

Your Lordship's justice and candor will induce you to believe, that what our enemies may have taken occasion to represent to his Majesty's ministers and the Parliament, as an undutiful disposition in the colonies, is nothing more than a just and firm attachment to their natural and constitutional rights. It is humbly submitted to your Lordship, whether these ideas are well founded. And while this province and the colonies shall continue, in your Lordship's judgment, to be faithful and loyal subjects to his Majesty, they rely upon it, that your happy influence will ever be

employed to promote the sentiments of tenderness, as well as justice, in the parent country.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO LORD CAMDEN.[1] JANUARY 29, 1768.[2]

[*Prior Documents*, pp. 185–187.]

My Lord,

Your great knowledge of the constitution and laws of the nation, of the just extent of parliamentary authority, and the rights of British subjects, is a prevailing inducement to the House of Representatives of this his Majesty's province, to address to your Lordship, at a time when your attention to the British colonies, their connection with and dependance upon the mother state, and their rights as subjects, seems to be necessary and important, not to them alone, but to the whole empire.

This House can speak only for the people of one province: but no assembly on this continent, it is presumed, can long be silent, under an apprehension, that without the aid of some powerful advocate, the liberties of America will soon be no more.

It is a cause which the House is assured your Lordship has at heart: and the past experience of your patronage, and the noble exertions you were pleased to make for them in a late time of distress, affords the

[1] Charles Pratt, first earl of Camden (1714–1794); appointed chief justice of the Court of Common Pleas, December 28, 1761; raised to the peerage as Baron Camden, July 17, 1765; appointed lord chancellor, July 30, 1766; created Earl Camden, May 13, 1786.

[2] Reported from the committee on the state of the province, read and accepted.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE EARL OF CHATHAM.[1] FEBRUARY 2, 1768.[2]

[*Prior Documents*, pp. 187, 188.]

My Lord,

The particular attention you were pleased to give to the interest of the American subjects when their rights were in danger, and your noble and successful efforts in support of them, have left in the breasts of all, the indelible marks of gratitude. The House of Representatives of this his Majesty's province, having reason to be assured, that in every instance of your public conduct, you are influenced by the principles of virtue and a disinterested public affection, beg leave to manifest to your Lordship, a testimony of their full confidence in you, by imploring your repeated aid and patronage at this time when the cloud again gathers thick over them.

It must afford the utmost satisfaction to the distressed colonists, to find your Lordship so explicitly declaring your sentiments in that grand principle in nature, "that what a man hath honestly acquired is absolutely and uncontroulably his own." This principle is established as a fundamental rule in the British constitution, which eminently hath its foundation in the laws of nature; and consequently it is the indisputable right of all men, more especially of a

[1] William Pitt (1708-1778), first earl of Chatham; member of parliament, 1735; secretary of state, 1756; appointed lord privy seal, July 30, 1766, and raised to the peerage; in retirement, May, 1767, until his resignation, October, 1768. Cf. *Correspondence of William Pitt*, 4 vols.

[2] Reported from the committee on the state of the province, read paragraph by paragraph and accepted.

British subject, to be present in person, or by representation, in the body where he is taxed.

But however fixed your Lordship and some others may be in this cardinal point, it is truly mortifying to many of his Majesty's free and loyal subjects, that even in the British parliament, that sanctuary of liberty and justice, a different sentiment seems of late to have prevailed.

Unwilling to intrude upon your attention to the great affairs of state, the House would only refer your Lordship to an act passed in the fourth year of the present reign, and another in the last session of parliament; both imposing duties on the Americans, who were not represented, with the sole and express purpose of raising a revenue. What, my Lord, have the colonists done to forfeit the character and privilege of subjects, and to be reduced in effect to a tributary state? This House may appeal to the nation, that the utmost aid of the people has been chearfully given when his Majesty required it: often, on their own motion, and when almost ready to succumb under the expence of defending their own borders, their zeal has carried them abroad for the honour of their sovereign, and the defence of his rights: of this, my Lord, not to mention any more, the reduction of Louisburgh in the year 1745, and the defence of his Majesty's garrison at Annapolis, and of all Nova Scotia, will be standing monuments. Can there then be a necessity for so great a change, and in its nature so delicate and important, that instead of having the honour of his Majesty's requisitions laid before their representatives here, as has been invariably

the usage, the parliament should now tax them without their consent?

The enemies of the colonists, for such they unfortunately have, may have represented them to his Majesty's ministers, and the parliament, as factious, undutiful, disloyal: they, my Lord, are equally the enemies of Britain: such is your extensive knowledge of mankind, and the sentiments and disposition of the colonies in general, that this house would freely venture to rest the character of their constituents in your Lordship's judgment: surely it is no ill disposition in the loyal subjects of a patriot king, with a decency and firmness adapted to their character, to assert their freedom.

The colonies, as this House humbly conceive, cannot be represented in the British parliament: their local circumstances, at the distance of a thousand leagues beyond the seas, forbid, and will ever render it impracticable: this they apprehend, was the reason that his Majesty's royal predecessors saw fit to erect subordinate legislative bodies in America as perfectly free as the nature of things would admit, that their remotest subjects might enjoy that inestimable right, a representation. Such a legislative is constituted by the royal charter of this province. In this charter, the King, for himself, his heirs and successors, grants to the inhabitants all the lands and territories therein described, in free and common soccage; as ample estate as the subjects can hold under the crown; together with all the rights, liberties, privileges, and immunities of his natural subjects born within the realm; of which the most

essential is a power invested in the general assembly to levy proportionable and reasonable taxes on the estates and persons of the inhabitants, for the service of his Majesty, and the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants. But though they were originally, and always, since their settlement, have been considered as subjects remote, they have ever cherished a warm affection for the mother state, and a regard for the interest and happiness of their fellow subjects in Britain. If then the colonies are charged with the most distant thought of an independency, your Lordship may be assured, that, with respect to the people of this province, and it is presumed, of all the colonies, the charge is unjust.

Nothing would have prevailed upon the House to have given your Lordship this trouble, but the necessity of a powerful advocate, when their liberty is in danger: such they have more than once found you to be; and as they humbly hope they have never forfeited your patronage, they intreat that your great interest in the national councils may still be employed in their behalf, that they may be restored to the standing of free subjects.

That your Lordship may enjoy a firm state of health, and long be continued a great blessing to the nation and her colonies, is the ardent wish of this House.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE SPEAKERS OF OTHER HOUSES OF REPRESENTATIVES.[1]

[MS., Samuel Adams Papers, vol. i., Lenox Library; a text, modified in details, is in *Massachusetts State Papers*, pp. 134–136, and in *Prior Documents*, pp. 191–193.]

IRC. LETTER

Pro of Massachusetts Bay,
Feb 11 1768

SIR,

The House of Representatives of this Province have taken into their serious Consideration, the great difficultys that must accrue to themselves & their Constituents, by the operation of several acts of Parliament imposing Duties & Taxes on the American Colonys.

As it is a Subject in which every Colony is deeply interested they have no reason to doubt but your Assembly is deeply impressd with its Importance & that such constitutional measures will be come into as are proper. It seems to be necessary, that all possible Care should be taken, that the Representations of the several Assembly upon so delicate a point, should harmonize with each other: The House therefore hope that this letter will be candidly considerd in no other Light, than as expressing a Disposition freely to communicate their mind to a Sister Colony, upon a common Concern in the same man-

[1] On January 22, 1768, the House voted that on the following Tuesday it would consider the expediency of writing to the other assemblies with reference to their joining in a petition to the King. On January 26, the matter was referred to the following Thursday. On February 4, the House appointed a committee, consisting of Adams, Otis, Cushing, Hawley, Bowers, Dexter, and Richmond to "prepare a letter to be transmitted to the several Houses of Representatives and Burgesses on the Continent."

ner as they would be glad to receive the Sentiments of your or any other House of Assembly on the Continent.

The House have humbly represented to the ministry, their own Sentiments that His Majestys high Court of Parliament is the supreme legislative Power over the whole Empire: That in all free States the Constitution is fixd; & as the supreme Legislative derives its Power & Authority from the Constitution, it cannot overleap the Bounds of it without destroying its own foundation: That the Constitution ascertains & limits both Sovereignty & allegiance, & therefore, his Majestys American Subjects who acknowlege themselves bound by the Ties of Allegiance, have an equitable Claim to the full enjoym[t] of the fundamental Rules of the British Constitution. That it is an essential unalterable Right in nature, ingrafted into the British Constitution, as a fundamental Law & ever held sacred & irrevocable by the Subjects within the Realm, that what a man has honestly acquird is absolutely his own, which he may freely give, but cannot be taken from him without his consent: That the American Subjects may therefore exclusive of any Consideration of Charter Rights, with a decent firmness adapted to the Character of free men & Subjects assert this natural and constitutional Right.

It is moreover their humble opinion, which they express with the greatest Deferrence to the Wisdom of the Parliament that the Acts made there imposing Duties on the People of this province with the sole & express purpose of raising a Revenue,

derive any such Advantages to Trade as many have been led to expect.

These are the Sentiments & proceedings of this House; & as they have too much reason to believe that the Enemys of the Colonys have represented them to his Majestys Ministers & the parl[t] as factious disloyal & having a disposition to make themselves independent of the Mother Country, they have taken occasion in the most humble terms to assure his Majesty & his ministers that with regard to the People of this province & as they doubt not of all the colonies the charge is unjust.

The house is fully satisfyd that your Assembly is too generous and enlargd in sentiment, to believe, that this Letter proceeds from an Ambition of taking the Lead or dictating to the other Assemblys: They freely submit their opinions to the Judgment of others, & shall take it kind in your house to point out to them any thing further which may be thought necessary.

This House cannot conclude without expressing their firm Confidence in the King our common head & Father, that the united & dutifull Supplications of his distressd American Subjects will meet with his royal & favorable Acceptance.[1]

[1] The Appendix of the Journal of the House for 1768 contains the texts of the following replies to this letter: February 25, P. Gilman, New Hampshire; May 9, Peyton Randolph, Virginia; May 9, Cortland Skinner, New Jersey; June 11, Zebulon West, Connecticut; June 16, Alexander Wylly, Georgia; July 10, P. Manigault, South Carolina; August 5, Metcalfe Bowler, Rhode Island. *Prior Documents*, p. 218, contains the reply of Robert Lloyd, Maryland, June 24. Cf. R. Frothingham, *Rise of the Republic*, pp. 219–230.

tions to his Majestys Ministers, as they apprehended w^d^ tend to obtain redress.

They have also submitted to Consideration whether any People can be said to enjoy any degree of Freedom if the Crown in addition to its undoubted Authority of constituting a Gov^r^ should also appoint him such a Stipend as it may judge proper without the Consent of the people & at their Expence; and whether while the Judges of the Land & other Civil officers hold not their Commission during good Behavior, their having salarys appointed for them by the Crown independent of the people hath not a tendency to subvert the principles of Equity & endanger the Happiness & Security of the Subject.

In addition to these measures the House have wrote a Letter to their Agent, M^r^ De Berdt, the Sentiments of w^ch^ he is directed to lay before the ministry: wherein they take Notice of the hardships of the Act for preventing Mutiny & Desertion, which requires the Gov^r^ & Council to provide enumerated Articles for the Kings marching troops & the People to pay the Expences; & also of the Commission of the Gen^n^ appointed Commissioners of the Customs to reside in America, which authorizes them to make as many Appointments as they think fit & to pay the Appointees what sum they please, for whose Mal Conduct they are not accountable—from whence it may happen that officers of the Crown may be multiplyd to such a degree as to become dangerous to the Liberty of the people by Virtue of a Commission which doth not appear to this House to

derive any such Advantages to Trade as many have been led to expect.

These are the Sentiments & proceedings of this House; & as they have too much reason to believe that the Enemys of the Colonys have represented them to his Majestys Ministers & the parl[t] as factious disloyal & having a disposition to make themselves independent of the Mother Country, they have taken occasion in the most humble terms to assure his Majesty & his ministers that with regard to the People of this province & as they doubt not of all the colonies the charge is unjust.

The house is fully satisfyd that your Assembly is too generous and enlargd in sentiment, to believe, that this Letter proceeds from an Ambition of taking the Lead or dictating to the other Assemblys: They freely submit their opinions to the Judgment of others, & shall take it kind in your house to point out to them any thing further which may be thought necessary.

This House cannot conclude without expressing their firm Confidence in the King our common head & Father, that the united & dutifull Supplications of his distressd American Subjects will meet with his royal & favorable Acceptance.[1]

[1] The Appendix of the Journal of the House for 1768 contains the texts of the following replies to this letter: February 25, P. Gilman, New Hampshire; May 9, Peyton Randolph, Virginia; May 9, Cortland Skinner, New Jersey; June 11, Zebulon West, Connecticut; June 16, Alexander Wylly, Georgia; July 10, P. Manigault, South Carolina; August 5, Metcalfe Bowler, Rhode Island. *Prior Documents*, p. 218, contains the reply of Robert Lloyd, Maryland, June 24. Cf. R. Frothingham, *Rise of the Republic*, pp. 212–230.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO HENRY SEYMOUR CONWAY.[1] FEBRUARY 13, 1768.[2]

[*Prior Documents*, pp. 181–183.]

SIR,

The House of Representatives of this his Majesty's province have still the sensible impressions of gratitude upon their minds, for the signal and successful exertions you were pleased to make for them when the liberties of the colonies were in danger. And although they do not fall immediately under your care in that department, to which his Majesty has been graciously pleased to appoint you; yet your known attachment to the rights of subjects, in their just extent, the constitutional authority of the supreme legislative and the prerogative of the sovereign, is a strong inducement to the House, when new grievances happen, to implore your repeated aid. Conscious of their own disposition, they rely upon that candour which is a distinguished mark of your character. And however they may have been represented to his Majesty's ministers as undutiful, turbulent and factious, your sentiments are too generous, to impute the expressions of uneasiness under the operation of any particular acts of the British parliament to a peevish or discontented habit, much less to the want of a due veneration for that august assembly.

This House is at all times ready to recognize his

[1] 1721–1795; field marshal; member of Parliament almost continuously, 1741–1784; July 8, 1765, secretary of state; resigned, January 20, 1768. Cf. *Boston Record Commissioners' Report*, vol. xvi., p. 218.

[2] Reported by the committee on the state of the province, read and accepted.

Majesty's high court of parliament, the supreme legislative power over the whole empire; its superintending authority, in all cases consistent with the fundamental rules of the constitution, is as clearly admitted by his Majesty's subjects in this province as by those within the realm: since the constitution of the state, as it ought to be, is fixed; it is humbly presumed, that the subjects, in every part of the empire, however remote, have an equitable claim to all the advantages of it.

It is the glory of the British Prince, and the happiness of all his subjects, that their constitution hath its foundation in the immutable laws of nature: and as the supreme legislative as well as the supreme executive derives its authority from that constitution, it should seem that no laws can be made or executed, that are repugnant to any essential law in nature. Hence a British subject is happily distinguished from the subjects of many other states, in a just and well grounded opinion of his own safety, which is the perfection of political liberty.

It is acknowledged to be an unalterable law in nature, that a man should have the free use and sole disposal of the fruit of his honest industry, subject to no controul. The equity of this principle seems to have been too obvious to be misunderstood by those who framed the constitution; into which it is ingrafted as an established law. It is conceived that this principle gave rise in early time to a representation in parliament; where every individual in the realm has since been, and is still considered by acts of parliament as present by himself, or by his representative

of his own free election: consequently, the aid afforded there to the sovereign is not of the nature of a tribute, but the free and voluntary gift of all.

The House submit to your consideration, whether his Majesty's subjects of this province, or any of them, can be considered as having been present in parliament, when an act of the fourth of his present Majesty's reign, and another passed the last session, were made. If not, it seems to be conclusive, that, as those acts were made with the sole and express purpose of raising a revenue out of America, the subjects here are in those instances unfortunately deprived of the sole disposal of their property, and the honour and privilege of contributing to the aid of their sovereign by a free and voluntary gift.

The people of this province would by no means be inclined to petition the parliament for a representation. Separated from the mother-country by a mighty ocean, and at the distance of three thousand miles, they apprehend it is, and ever will be, utterly impracticable that they should be equally represented there: they have always been considered by the nation as subjects remote: and his Majesty's royal predecessors were graciously pleased to constitute by charter a subordinate legislative in the province, as it is conceived, with a view of preserving to their remote subjects the unalienable right of a representation. By this charter the lands therein described are granted to the inhabitants in free and common soccage; and the general assembly is invested with the power of imposing and levying proportionable and reasonable assessments, rates and

taxes, upon the estates and persons of the inhabitants, for his Majesty's service, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants; and of ordaining and establishing all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with or without penalties, as they shall judge to be for the good and welfare of the province: and as a sufficient check upon this subordinate power, which secures its dependance on the supreme legislative, no law can be made repugnant to the laws of England; and all laws that are made, are laid before his Majesty, who at any time during three years after, disannulls them at his royal pleasure.

All that is desired by the people of this province, is, that they may be restored to their original standing: they may venture to appeal to the nation, that they have never failed to afford their utmost aid to his Majesty whenever he hath required it; and they may say it without vanity, that in many instances from their settlement, they have given striking proofs of their zeal for the honour of their sovereign, and their affection for the mother-state. Must it not then be grievous to free and loyal subjects, to be called upon in a manner which appears to them, to divest them of their freedom, and so far to impeach their loyalty as to imply a mistrust of their chearful compliance with his Majesty's royal requisitions.

The House also beg leave to submit, whether the people can continue free, while the crown in addition to its uncontroverted right of appointing a governor,

may appoint him such stipends as it shall judge fit, at the expence of the people, and without their consent: and whether, while the judges of the land, at so great a distance from the throne, the fountain of justice, may be altogether independent on the people for their support, it may not probably happen, that in some future time, the principles of equity may be subverted even on the bench of justice, and the people deprived of their happiness and security.

The House could add, that by restraints laid upon the American trade by acts of parliament, which operate equally to the advantage of Great-Britain and the disadvantage of this and the other colonies, and the taxes which the inhabitants here eventually pay as the consumers of the British manufactures, it should seem to be beyond all the rules of equity, that these additional burdens should be laid on them. But they would not trespass upon your time and attention to the great affairs of the nation. They beg your candid consideration of the unhappy circumstances of the province, and hope, that your great interest in the national councils, so far as shall appear to you to be just, will be employed on their behalf.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE LORDS COMMISSIONERS OF THE TREASURY. FEBRUARY 17, 1768.

[*Prior Documents*, pp. 188-191.]

My Lords,

The House of Representatives of this his Majesty's province beg leave to lay before your Lordships the

are Infringments of their natural & constitutional Rights because as they are not represented in the British Parliam[t] His Majestys Commons in Britain by those Acts grant their Property without their consent.

This House further are of Opinion that their Constituents considering their local Circumstances cannot by any possibility be represented in the Parliament, & that it will forever be impracticable that they should be equally represented there & consequently not at all; being seperated by an Ocean of a thousand leagues: and that his Majestys Royal Predecessors for this reason were graciously pleasd to form a subordinate legislature here that their subjects might enjoy the unalienable Right of a Representation. Also that considering the utter Impracticability of their ever being fully & equally represented in parliam[t], & the great Expence that must unavoidably attend even a partial representation there, this House think that a taxation of their Constituents, even without their Consent, grievous as it is, would be preferable to any Representation that could be admitted for them there.

Upon these principles, & also considering that were the right in Parliament ever so clear, yet, for obvious reasons it w[d] be beyond the rules of Equity that their Constituents should be taxed on the manufactures of Great Britain here, in Addition to the dutys they pay for them in England, & other Advantages arising to G Britain from the Acts of trade, this House have preferrd a humble dutifull & loyal Petition to our most gracious Sovereign, & made such Representa-

tions to his Majestys Ministers, as they apprehended w^d^ tend to obtain redress.

They have also submitted to Consideration whether any People can be said to enjoy any degree of Freedom if the Crown in addition to its undoubted Authority of constituting a Gov^r^ should also appoint him such a Stipend as it may judge proper without the Consent of the people & at their Expence; and whether while the Judges of the Land & other Civil officers hold not their Commission during good Behavior, their having salarys appointed for them by the Crown independent of the people hath not a tendency to subvert the principles of Equity & endanger the Happiness & Security of the Subject.

In addition to these measures the House have wrote a Letter to their Agent, M^r^ De Berdt, the Sentiments of w^ch^ he is directed to lay before the ministry: wherein they take Notice of the hardships of the Act for preventing Mutiny & Desertion, which requires the Gov^r^ & Council to provide enumerated Articles for the Kings marching troops & the People to pay the Expences; & also of the Commission of the Gen^n^ appointed Commissioners of the Customs to reside in America, which authorizes them to make as many Appointments as they think fit & to pay the Appointees what sum they please, for whose Mal Conduct they are not accountable—from whence it may happen that officers of the Crown may be multiplyd to such a degree as to become dangerous to the Liberty of the people by Virtue of a Commission which doth not appear to this House to

derive any such Advantages to Trade as many have been led to expect.

These are the Sentiments & proceedings of this House; & as they have too much reason to believe that the Enemys of the Colonys have represented them to his Majestys Ministers & the parl[t] as factious disloyal & having a disposition to make themselves independent of the Mother Country, they have taken occasion in the most humble terms to assure his Majesty & his ministers that with regard to the People of this province & as they doubt not of all the colonies the charge is unjust.

The house is fully satisfyd that your Assembly is too generous and enlargd in sentiment, to believe, that this Letter proceeds from an Ambition of taking the Lead or dictating to the other Assemblys: They freely submit their opinions to the Judgment of others, & shall take it kind in your house to point out to them any thing further which may be thought necessary.

This House cannot conclude without expressing their firm Confidence in the King our common head & Father, that the united & dutifull Supplications of his distressd American Subjects will meet with his royal & favorable Acceptance.[1]

[1] The Appendix of the Journal of the House for 1768 contains the texts of the following replies to this letter: February 25, P. Gilman, New Hampshire; May 9, Peyton Randolph, Virginia; May 9, Cortland Skinner, New Jersey; June 11, Zebulon West, Connecticut; June 16, Alexander Wylly, Georgia; July 10, P. Manigault, South Carolina; August 5, Metcalfe Bowler, Rhode Island. *Prior Documents*, p. 218, contains the reply of Robert Lloyd, Maryland, June 24. Cf. R. Frothingham, *Rise of the Republic*, pp. 212–230.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO HENRY SEYMOUR CONWAY.[1] FEBRUARY 13, 1768.[2]

[*Prior Documents*, pp. 181–183.]

SIR,

The House of Representatives of this his Majesty's province have still the sensible impressions of gratitude upon their minds, for the signal and successful exertions you were pleased to make for them when the liberties of the colonies were in danger. And although they do not fall immediately under your care in that department, to which his Majesty has been graciously pleased to appoint you; yet your known attachment to the rights of subjects, in their just extent, the constitutional authority of the supreme legislative and the prerogative of the sovereign, is a strong inducement to the House, when new grievances happen, to implore your repeated aid. Conscious of their own disposition, they rely upon that candour which is a distinguished mark of your character. And however they may have been represented to his Majesty's ministers as undutiful, turbulent and factious, your sentiments are too generous, to impute the expressions of uneasiness under the operation of any particular acts of the British parliament to a peevish or discontented habit, much less to the want of a due veneration for that august assembly.

This House is at all times ready to recognize his

[1] 1721–1795; field marshal; member of Parliament almost continuously, 1741–1784; July 8, 1765, secretary of state; resigned, January 20, 1768. Cf. *Boston Record Commissioners' Report*, vol. xvi., p. 218.

[2] Reported by the committee on the state of the province, read and accepted.

Majesty's high court of parliament, the supreme legislative power over the whole empire; its superintending authority, in all cases consistent with the fundamental rules of the constitution, is as clearly admitted by his Majesty's subjects in this province as by those within the realm: since the constitution of the state, as it ought to be, is fixed; it is humbly presumed, that the subjects, in every part of the empire, however remote, have an equitable claim to all the advantages of it.

It is the glory of the British Prince, and the happiness of all his subjects, that their constitution hath its foundation in the immutable laws of nature: and as the supreme legislative as well as the supreme executive derives its authority from that constitution, it should seem that no laws can be made or executed, that are repugnant to any essential law in nature. Hence a British subject is happily distinguished from the subjects of many other states, in a just and well grounded opinion of his own safety, which is the perfection of political liberty.

It is acknowledged to be an unalterable law in nature, that a man should have the free use and sole disposal of the fruit of his honest industry, subject to no controul. The equity of this principle seems to have been too obvious to be misunderstood by those who framed the constitution; into which it is ingrafted as an established law. It is conceived that this principle gave rise in early time to a representation in parliament; where every individual in the realm has since been, and is still considered by acts of parliament as present by himself, or by his representative

of his own free election: consequently, the aid afforded there to the sovereign is not of the nature of a tribute, but the free and voluntary gift of all.

The House submit to your consideration, whether his Majesty's subjects of this province, or any of them, can be considered as having been present in parliament, when an act of the fourth of his present Majesty's reign, and another passed the last session, were made. If not, it seems to be conclusive, that, as those acts were made with the sole and express purpose of raising a revenue out of America, the subjects here are in those instances unfortunately deprived of the sole disposal of their property, and the honour and privilege of contributing to the aid of their sovereign by a free and voluntary gift.

The people of this province would by no means be inclined to petition the parliament for a representation. Separated from the mother-country by a mighty ocean, and at the distance of three thousand miles, they apprehend it is, and ever will be, utterly impracticable that they should be equally represented there: they have always been considered by the nation as subjects remote: and his Majesty's royal predecessors were graciously pleased to constitute by charter a subordinate legislative in the province, as it is conceived, with a view of preserving to their remote subjects the unalienable right of a representation. By this charter the lands therein described are granted to the inhabitants in free and common soccage; and the general assembly is invested with the power of imposing and levying proportionable and reasonable assessments, rates and

taxes, upon the estates and persons of the inhabitants, for his Majesty's service, in the necessary defence and support of his government of the province, and the protection and preservation of the inhabitants; and of ordaining and establishing all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with or without penalties, as they shall judge to be for the good and welfare of the province: and as a sufficient check upon this subordinate power, which secures its dependance on the supreme legislative, no law can be made repugnant to the laws of England; and all laws that are made, are laid before his Majesty, who at any time during three years after, disannulls them at his royal pleasure.

All that is desired by the people of this province, is, that they may be restored to their original standing: they may venture to appeal to the nation, that they have never failed to afford their utmost aid to his Majesty whenever he hath required it; and they may say it without vanity, that in many instances from their settlement, they have given striking proofs of their zeal for the honour of their sovereign, and their affection for the mother-state. Must it not then be grievous to free and loyal subjects, to be called upon in a manner which appears to them, to divest them of their freedom, and so far to impeach their loyalty as to imply a mistrust of their chearful compliance with his Majesty's royal requisitions.

The House also beg leave to submit, whether the people can continue free, while the crown in addition to its uncontroverted right of appointing a governor,

may appoint him such stipends as it shall judge fit, at the expence of the people, and without their consent: and whether, while the judges of the land, at so great a distance from the throne, the fountain of justice, may be altogether independent on the people for their support, it may not probably happen, that in some future time, the principles of equity may be subverted even on the bench of justice, and the people deprived of their happiness and security.

The House could add, that by restraints laid upon the American trade by acts of parliament, which operate equally to the advantage of Great-Britain and the disadvantage of this and the other colonies, and the taxes which the inhabitants here eventually pay as the consumers of the British manufactures, it should seem to be beyond all the rules of equity, that these additional burdens should be laid on them. But they would not trespass upon your time and attention to the great affairs of the nation. They beg your candid consideration of the unhappy circumstances of the province, and hope, that your great interest in the national councils, so far as shall appear to you to be just, will be employed on their behalf.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE LORDS COMMISSIONERS OF THE TREASURY. FEBRUARY 17, 1768.

[*Prior Documents*, pp. 188-191.]

My Lords,

The House of Representatives of this his Majesty's province beg leave to lay before your Lordships the

great difficulties to which they are reduced, by the operation of divers acts of Parliament, imposing duties to be levied on the subjects of the American colonies, and made with the sole and express purpose of raising a revenue: and beg the favour of your candid judgment and great interest in the national councils for their redress.

As their constituents are not in any manner represented in the Parliament, they cannot so much wonder, that taxes and burdens are laid upon them, which they humbly apprehend could have been made to appear to be beyond all bounds of equity and proportion; and this consideration they are sure would have had its due weight in the British house of commons.

By act of Parliament, your Lordships are sensible, that the colonies are restrained from importing commodities, the growth or manufacture of Europe, saving a few articles, except from Great Britain: by this policy, the demand of British manufactures from the colonies is greatly increased; and the manufacturers have the advantage of their own price. Hence it appears, that what is gained by the subjects in Great Britain, is a loss to those in America; for there can be no doubt, as this House conceive, but that if the colonists were allowed to purchase such commodities at foreign markets, they might have them at a cheaper rate; or, which is the same thing to them, the British manufacturers would be necessitated to reduce their price. Thus also, with regard to the many articles of their produce, which the colonies are by act of Parliament restrained from sending to

foreign ports: this occasioned a great plenty of American exports, and oftentimes a glut at the British markets, which always diminishes the price, and makes a loss to the American, and an equal gain to the subject in Britain. This regulation, evidently designed in favour of those of his Majesty's subjects inhabiting in Great Britain, the House is not at this time complaining of: but they beg your Lordships consideration, whether, in addition to these burdens, it is not grievous to their constituents, to be obliged to pay duties on British manufactures here: especially considering, that, as the consumers of those manufactures, they pay a great proportion of the duties and taxes laid upon them in Britain. It is computed by a late celebrated British writer, that the artificial value arising from these duties are not less than fifty per cent. Your Lordships will then form an estimate of the part that is paid annually upon the importation into America, which is generally allowed to be at least two millions sterling.— So great are the advantages arising yearly to Great Britain from the colonies, most of which, it is said, were settled, and have been maintained and defended, till within a very few years, solely at their own expence: this House can affirm for one province only.

But the bearing an unequal share of the public burthens, though a real grievence, is of but small consideration, when compared with another, in the mentioning of which, the House begs your Lordship's indulgence. The duties levied in America, by virtue of the aforementioned acts, were imposed with the sole and express purpose of raising a revenue; and

are to be applied, in the first place, for making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such colonies where it shall be found necessary; and the residue is from time to time to be disposed of by Parliament, towards defraying the necessary expences of defending, protecting, and securing the colonies. It is humbly submitted, whether his Majesty's commons in Britain have not, by these acts, granted the property of their fellow subjects in America, without their consent in Parliament. Your Lordships will allow, that it is an unalterable rule in equity, that a man shall have the free use and the sole disposal of his property. This original principle, to the lasting honour of our British ancestors, was in early time ingrafted into the British constitution, and is the greatest security, as well as the brightest ornament of a British subject. It adds to the real grandeur of the British monarch, whose happy subjects have an unshaken opinion of their own safety, which is the perfection of political liberty: such a constitution shall in future ages be admired, when the names of tyrants and their vassals shall be alike forgot. This constitution, my Lords, is fixed: it is from thence that all power in the state derives its authority: therefore, no power can exceed the bounds of it without destroying its own foundation. It is conceived, that even the remotest and most inconsiderable subject hath an equitable claim to the benefit of the fundamental rules of the constitution; for all British subjects are alike free. The blessings of the British constitution will for ever keep the sub-

jects in this province united to the mother state, as long as the sentiments of liberty are preserved: but what liberty can remain to them, when their property, the fruit of their toil and industry, and the prop of all their future hopes in life, may be taken from them at the discretion of others? They have never been backward in affording their aid to his Majesty, to the extent of their ability: they can say without vanity, and they may be allowed to boast, that from the days of their ancestors, no subjects have given more signal proofs of zeal for the service and honour of their sovereign, and affection for the parent country: It has till of late been the invariable usage for his Majesty's requisitions to be laid before their own representatives; and their aid has not been tributary, but the free and voluntary gift of all: the change is in its nature delicate and important; your Lordships will judge whether there be any necessity or pressing reasons of it: the House are not insensible that the colonies have their enemies, who may have represented them to his Majesty's ministers and the Parliament as seditious, disloyal, and disposed to set up an independency on Great Britain: but they rely upon the candour of your Lordships judgment: they can affirm, that with regard to this province, and, they presume, all the colonies, the charge is injurious and unjust; the superintending authority of his Majesty's high court of Parliament, the supreme legislative over the whole empire, is as clearly admitted here as in Britain; so far as is consistent with the fundamental rules of the constitution: and, it is presumed, it is not further admissable there.

The House are humbly in opinion, that a representation of their constituents in that high court, by reason of local circumstances, will for ever be impracticable: and that his Majesty's royal predecessors were graciously pleased, by charter, to erect a legislative in the province, as perfectly free as a subordination would admit, that the subjects here might enjoy the unalienable right of a representation; and further, that the nation hath ever since considered them as subjects, though remote, and conceded to the acts of the subordinate legislation. Their charter is a check upon them, and effectually secures their dependance on Great Britain; for no acts can be in force till the King's governor gives his assent, and all laws that are made are laid before his Majesty, who at any time, during three years after they are made, may disannul them at his royal pleasure: under this check the House humbly conceive a representation in Parliament cannot be necessary for the nation, and for many reasons it cannot be eligible to them: all they desire is, to be placed on their original standing, that they may still be happy in the enjoyment of their invaluable privileges, and the nation may still reap the advantage of their growth and prosperity.

The House intreat your Lordships patience one moment longer, while they just mention the danger they apprehend to their liberties, if the crown, in addition to its uncontroverted right of appointing a governor, should also appoint him a stipend at the expence of the people, and without their consent. And also, whether, as the judges and other civil officers of the province do not hold commissions

during good behaviour, there is not a probability that arbitrary rule may in some time take effect, to the subversion of the principles of equity and justice, and the ruin of liberty and virtue.

It is humbly hoped, that your Lordships will conceive a favourable opinion of the people of the province; and that you will patronize their liberties, so far as in your great wisdom and candour you shall judge to be right.

PETITION TO THE FREEHOLDERS OF THE TOWN OF BOSTON.[1]

[L. C. Draper, *Essay on Autographic Collections*, pp. 47, 48; *Collections*, State Historical Society of Wisconsin, vol. x., p. 401.]

To the Free-holders and other Inhabitants of the town of Boston, in Annual Town Meeting assembled, March 14th, 1768:

The Memorial of Samuel Adams showeth:

That your Memoralist was chosen by said Town in the year 1764, a Collector of Taxes,—in which capacity he had before served the Town for nine years successively—and being duly sworn, had the Province, Town and County taxes, assessed the same year, accordingly committed to him to collect; at the same time he became bound to the Town Treasurer, with suretys, in the penal sums of Five thousand Pounds for the payment of the same into the respective Treasurys.

[1] This petition was "read and largely debated," and the meeting voted "that the Prayer of the Petition be granted, and that a further Time of Six Months be allowed him for Collecting his Taxes, and that the Treasurer be directed to stay Execution untill that Time." See below, page 321.

That with all possible diligence, and with his best discretion, he attended his duty; but was greatly retarded by means of the small pox, which then prevailed in the Town, and other obstructions: So that he was unable to make any great Progress, till a new year came on, when a new Tax was levied, on the same Persons who remained indebted to him as aforesaid, which Tax was committed to another person to collect. That the Town cannot be unmindful of the difficulties which the next year ensued, by Reason of the Stamp Act, and the Confusion consequent thereupon; which in a great Measure interrupted the course of Business of every kind. By all which there became a Burden of three years' taxes upon those Persons, many of them at least, who had not paid your Memoralist for the said year 1764.

That the Town, the last year, saw fit to direct their Treasurer to put the Bond afore'd in suit[1]; which he accordingly did, and obtained a Judgment thereon: and altho' your Mem'st has since been able to lessen the sum by Payments into the Treasury, yet there still remains a large balance due, which your Treasurer, if called on, can ascertain.

Now your Memoralist prays the Town to take the matter, with all its circumstances, into candid consideration, and grant him a further Time to collect his out-standing Debts, that he may be enabled thereby to compleat the Obligation of his Bond: Or otherwise, that the Town will do that which to them all shall seem good.

With all due respect to the Town.

[1] *Boston Record Commissioners' Report*, vol. xvi., pp. 202, 203.

ARTICLE SIGNED "A PURITAN."

[*Boston Gazette*,[1] April 4, 1768.]

Messieurs EDES & GILL,

While the generous Farmer has been employing his shining Talents, in awakning a Continent to a sense of the Danger their civil Rights are in from incroaching power: While it is grown fashionable, for men of ingenuity and public spirit, with a noble ardour, to warn us against a tame submission to the iron rods; and LIBERTY, LIBERTY, is the Cry: I confess I am surpriz'd to find, that so little attention is given to the danger we are in, of the utter loss of those *religious Rights*, the enjoyment of which our good forefathers had more especially in their intention, when they explored and settled this new world.

To say the truth, I have from long observation been apprehensive, that what we have above everything else to fear, is POPERY: And I now bespeak the solemn attention of my beloved Countrymen, to a course of Letters which I am preparing, and propose to publish in your paper upon the momentous and melancholly subject. I expect to be treated with sneer and ridicule by those *artful* men who have come into our country *to spy out our Liberties;* and who are restless to bring us into *Bondage*, and can be successful only when the people are in a sound sleep: from this consideration I hope my readers will not be offended, if I now, and then, cry aloud to them with

[1] *The Boston Gazette and the Country Journal*, Edes and Gill [Benj. Edes; Benj. Edes and Sons]; Boston [Watertown].

a great degree of warmth and pathos: This I shall most certainly do, whether they will hear or whether they will forbear; for I cannot even now think on the subject without feeling my zeal enkindle. I know full well that it is farthest from the imagination of some of our solid men and *pious* Divines, whom I intend particularly to address on the occasion, that ever this *enlightned* continent should become the *worshippers of the Beast:* But who would have thought that the oblig'd and instructed Israelites would so soon after they were delivered from the Egyptian *Task-masters*, have fallen down before a *golden* Calf! There is a variety of ways in which POPERY, the idolatry of christians, may be introduced into America; which at present I shall not so much as hint at, but shall point them out hereafter in their proper order. Yet, my dear countrymen—suffer me at this time, in the bowels of my compassion to warn you all, as you value your precious *civil* Liberty, and everything you can call dear to you, to be upon your guard against POPERY. My fears of POPERY have induced me to travel thro' this great continent as a spectator, to satisfy myself: And the more I know of the circumstances of America, I am sorry to say it, the more reason I find to be apprehensive of POPERY. Bless me! could our ancestors look out of their graves and see so many of *their own* sons, deck'd with the worst of *foreign Superfluities*, the ornaments of the *whore of Babylon*, how would it break their sacred Repose! But amidst my gloomy apprehensions, it is a consolation to me to observe, that some of our Towns, maintain their integrity,

and show a laudable zeal against POPERY. To do honor to those Towns as much as in my power, I intend to publish a List of them. And as I am not particularly attach'd to any Town in the province, but that which gave me birth, I am determin'd that if any others shall be rous'd by my future Lucubrations to oppose POPERY, as I trust and hope they will, they shall have the same Notice taken of them in another Paper. Your's

A PURITAN.

ARTICLE SIGNED "A PURITAN."

[*Boston Gazette*, April 11, 1768.]

Messieurs EDES & GILL,

As the love of fame operates more or less in every human breast, I must acknowledge I have had some feelings of it in my own mind, since you were so courteous as to publish to the world my last letter: I had a consciousness that I was influenced by no motives in writing it, but what appeared to me to be justifiable and praise-worthy; and indeed I was under a sort of constraint to mention my fears; for I did verily believe, and I do so still, that much more is to be dreaded from the growth of POPERY in America, than from Stamp-Acts or *any other* Acts destructive of mens *civil* rights: Nay, I could not help fancying that the Stamp-Act itself was contrived with a design only to inure the people to the habit of contemplating themselves as the slaves of men; and the transition from thence to a subjection to Satan, is mighty easy.

As soon as I received your paper, and had read my letter, I took my horse and journeyed *Eastward* —to be sure not from any *superstitious* notion I had of paying *homage* to that quarter of the heavens, but purely to make a visit to a few old friends, whom I knew to be inspired with a zeal against POPERY.

In crossing the ferry, well known by the name of Charles, I lit of a well-dress'd man, who observing an uncommon silence among the passengers, and being desirous, as I tho't to raise a little innocent chat in a circle of folks, who in all likelihood will never meet again, he started a question, Whether the river had its name in honor to the first or second Charles? a difference of sentiments immediately arose, perhaps rather to enliven the conversation, than from an ignorance of so simple a matter in any of the company: but the question was soon decided, or rather *overset*, by one of the ferrymen, who with a certain warmth, *put in his oar*, and said that it was not a groat's matter which of them had the honor of it, for they were both *Papists;* and he wish'd such a trifling circumstance as it might seem to be, would not tend to bring in POPERY some time or other on both sides the river, especially into that town which bears the same name.—I bethought myself of my list of protestant towns, and recollected that Charlestown was one: Surely, tho't I, there can be no danger of Charlestown; and yet if there be any thing in this man's shrewd observation, there is some reason to fear that Charlestown is not so much on its guard against POPERY as I imagined. I began to be inquisitive with myself what could be the meaning of

this *back-stroke* of Mr. Ferryman; and my great anxiety and impatience to know the worst of it, led me to whisper in his ear, when I paid him my ferriage, that if he would step into the neighbouring tavern, I had something of importance to say to him: No sooner were we seated, but I unburthened my mind to him—Honest friend, said I, what reason have you to fear the growth of POPERY in Charlestown? I should not have expected that any one would have *represented* Charlestown as Papists—When I made use of the word *represented*, which was purely accidental, and without any *particular* meaning in me, I observed in his looks a certain promptitude to utter himself, which induced me to give way to him—I find, said he, that your mind runs upon Representatives; why truly the time of election draws near. You mistake me, friend, said I, my mind runs upon nothing but the danger of POPERY. Very well, he reply'd, and are we not to chuse sound Protestants for our Representatives, as we would avoid the danger of POPERY?—That's true, said I, you are very right; but did ever a papist represent the town of Charlestown? No, no, said he, no, no, I have nothing to charge on any of our good gentlemen, as papists; they come to our meeting every sabbath; and so he went on to speak very handsomely, &c.—But what do *you* mean by Popery? said he: and before I had time even to attempt to answer a question of so great moment, he explain'd it himself, and with looks full of meaning, said, that *Popery* was *the worshipping of graven images.* That's the very thing said I, but do any of our Representatives worship *graven*

images? Here he was called to his duty, and I had only time to tell him, that I was upon a little excursion into the country, to inquire of some friends about POPERY — that the hint he had given in the ferry-boat had shock'd me greatly, and when I returned I should hope he would explain to me his mind more fully.

I then pursued my journey to *Medford*, where I dined, and conversed upon the danger of POPERY with a traveller from the *western* parts of this province, who alarmed me very much with a story he related, which I shall open to my readers in some of my future letters.—I communicated to him my design, and my list of protestant towns—he told me they were many of them very stanch, but that some of them he fear'd were not so apprehensive of POPERY as they should be; and particularly mentioned them, which I noted in my memorandum book, and so we parted.—I mounted my horse and proceeded to *Salem*, which town I had heard, (whether true or not I cannot tell) had formerly been visited by a *romish* priest, who had used all his *arts* and *tricks* to draw them from their adherence to the protestant cause; and it was said that he had in some measure prevailed, so that they began to wonder after the beast: But I have reason to believe that their eyes are now open, and that they will soon convince the world, that they have repented, and *will do their first works.*—From *Marblehead* I started away for *Haverhill* — a town once mark'd by the French and Indian *papists* for ruin—There I settled a correspondence with a very sensible and hon-

est man, well spirited against POPERY, who assured me that some fears I had suggested to him should be removed; and that he would in less than six weeks give me a convincing proof that the town of *Haverhill*, at least a very great majority, were enemies to POPERY, or he should much wonder. I intended to have travelled as far east as *York*.—This town I have a very great affection for, on account of the intimacy I once had with their late very venerable and aged pastor, who while he lived was greatly instrumental in keeping out POPERY there. The influence of this good old puritan among his people, lasted many years after his death; and I am told that the most of them speak of him to this day with great reverence: Some, it is said, have lately set up *the Image*, and have been seen in *public* company with the *crucifixes* at their breasts; but I do not avouch for the truth of it. If it be a fact, I hope the town of York, which has always been remarkable for stanch *puritanism*, will take the most effectual method to discountenance such glaring appearances as POPERY.

I shall at present give you no further account of this Journey, only that on my return to Charlestown I tarried there a night for the sake of further conversation with the ferryman, from whom I received great light, but little comfort.—A few anecdotes worthy of notice I shall send you at another time.

Your's,

A PURITAN.

ARTICLE SIGNED "A PURITAN."

[*Boston Gazette*, April 18, 1768.]

Messieurs EDES & GILL,

Last evening, happening to be alone at my fireside, for the weather was something colder than usual at this season, I filled my pipe, and seriously ruminated upon the momentous subject, which has of late so much engag'd my thoughts and attention. I began to enquire what might be the probable causes of POPERY in a land of so much light and knowledge as this; concluding that it would be in vain for me to attempt to destroy the noxious weeds, while the seed which lay latent, would be continually springing up and increasing. While I was deep in contemplation, and just ripe, as I thought, to develop this *mystery of iniquity*, which I flatter myself I should have done to the satisfaction of my *protestant* readers at least, a person rapped suddenly at my door, and my servant introduced the very man, the *Traveller* from the *western* parts of this province, whom I had occasion to make mention of in my last letter. I was not a little pleas'd to see him, for I was in hopes he was come to bring me some accounts of the state of *protestantism* in those parts, which wou'd save me the trouble of an intended journey, and herein I was not disappointed; he gave me several curious anecdotes, which will serve to enliven as well as to inform and instruct my Readers, when I shall publish my propos'd course of letters—Whether this *Traveller* is an inhabitant of *Hadley*, or was only transiently there, or *en passant*, as the French say, is immaterial to the

story I am going to relate. *Hadley* has in its neighbourhood *Northampton* and *Hatfield;* the former a true blue *protestant* town, but for the other I cannot so positively answer; it may be it has often been *misrepresented.* Be that as it may, there happened to meet in this town of *Hadley* a couple of gentlemen of figure; the one from *Northampton*, the other from *Hatfield;* the one an open plain hearted honest and sensible man, the other artful and guarded; and one who seem'd to be so very cautious in expressing his sentiments that it could hardly be determin'd, with any certainty, what he *meant* by what he *said:* This however may be charitably imputed to a certain diffidence, peculiar to some folks, rather than a design of speaking in the way of *double entendre*, or in plain English, to be *double tongu'd*—A man who is *double tongu'd*, if he is not in his heart a friend to POPERY, will be oftentimes speaking the language of the Beast, whether he is sensible to it or not—I know not how it is with the *Hatfield* gentleman; but in his conversation he utter'd certain expressions, which seem'd at least too much to savor of POPERY; and altho' the other, with his usual and laudable zeal, endeavor'd to prevent the ill effects of it, in the mind of a Youth who happened to be in the room, yet he was far from succeeding in his honest intention; the young gentleman, tho' of *Strong* natural power and a good education, suffer'd himself to be so far led away that he even ventur'd afterwards in a *public* company to harangue largely in favor of *Images;* to the astonishment of the *Traveller*, who tho' in another apartment, was both an eye and ear witness, the doors being

wide open; and from him I had the account. The story may appear to *luke warm* protestants to be simple and unimportant: but my view in relating it is only to show the necessity of prudence: We ought to be particularly cautious of what we say about *Popery* before *Youth:* an Heathen has told us to "reverence Youth." This young gentleman, it is said, has well improv'd the advantages of his education. I hope his good sense and learning, especially if he will submit to be directed by the Northampton gentleman, will be sufficient to restore him to a *right way of thinking*. When this change shall take place, his natural abilities and acquired knowledge, with further improvements, the *Traveller* says, may *strongly* recommend him, as a candidate for a representative of the town in which he lives; but it is hoped they will be *quite sure* that he is *well principled*, before they entrust him with a place of so much consequence, *at this time especially*.

While I was entertaining, or I may rather say, was entertained by my honest guest, my servant bro't me a letter directed, *To the Puritan to be delivered with speed*, which I found upon unsealing it, was dated at *Mendon*, in the county of Worcester; I read it, and folded it up, and having noted in my memorandum book, *the letter from Mendon to be answered without delay*, I returned to the traveller, who, after repeated whiffs, striving to recover his pipe which he had almost lost, occasioned as I afterwards perceived, by deep cogitation in my absence, he turned upon me with a most significant look; *Did you know, said he, that we had* POPES BULLS *in the country?*—

The question was like a peal of thunder in my ears. It gave me as sudden a shock as if I had been under the force of *Electricity.* After recovering myself a little, the POPES BULLS! said I, what can you mean? Nothing more or less said he; but don't be over-frightened; whatever *tragical* ideas you may entertain, the story, as I shall relate it, will end *comically;* and to make it short, take it as follows: While I was in the town of *Hardwick*, said he, in my journey downwards—Here he was interrupted by the cry of fire in the street, which hurried us both out, and after tarrying to assist in extinguishing it, which to be sure at first threatened Desolation, in the crowd I missed the Traveller, and was in hopes of finding him at my house; but I was disappointed, he had return'd from the fire, but was gone again. He left however a Billet, in which he apologiz'd for his sudden departure, and promis'd to renew his visit in a few days, and finish his story about the *Popes Bulls;* which it is very like will be worth notice in some future paper. Your's

A PURITAN.

P. S. I have heard, within this Day or two, that a certain Gentleman of *weight*, has taken umbrage at my last letter, thinking that a part of it was particularly pointed at him. Thus I have been told that it is no uncommon thing for persons under the ministry of a *pungent* preacher, to fancy that the *Clergyman*, to use their own expression, preaches *at them.* This must proceed, either from an unaccountable and unreasonable *jealousy*, or from a *consciousness* somewhat

like to that which *David* felt, when *Nathan* said unto him, "*Thou art the man.*" To prevent any suspicion of this kind for the future, which will be a great discouragement to me in the prosecution of my intended work, I shall only say, that I am too much of a stranger to particular characters, to pretend to settle that of any one person in the province, from the highest to the lowest. And I appeal to all my courteous readers, except the gentleman aforesaid, whether anything said in my last letter, or even hinted at, could lead into a discrimination between one person and another, among those I mean who are *zealous* to prevent the *worshipping of images* in the land. If any are *wavering* in these *perilous* times, their neighbours and others, *who know them to be so*, will form such opinions of them as they please, without being influenced one way or the other, by anything I have said, or shall say, and I may add, can say — If this gentleman is in such a state of mind, and let it be observed I do not say he is, I truly pity him, and shall take upon me to recommend to him to labor to get his doubts removed; for it is worth the serious consideration of ALL that a man who WAVERS, is but a step from a TOTAL APOSTACY!

TO DENNYS DE BERDT. APRIL 20, 1768.

[S. A. Wells, *Samuel Adams and the American Revolution*,[1] vol. i., p. 135.]

SIR

I have sent you by M[r] Edward Church a passenger with Capt. Wilson the Journals of the House of

[1] A manuscript work in three volumes, in the Bancroft Collection, Lenox Library.

Representatives of the Last year; the letters &c in the Appendix I hope you have rec[d] ere now.[1] I think they contain the true sentiments & spirit of the most judicious & numerous part of this province. The manner & event of their reception in England is a matter of great expectation here. I wish Great Britain may not be deceived with regard to the Colonies to her own prejudice by the false, very false representations of her & their enemies on this side the water. The vessel is now on the point of sailing, which prevents my writing my sentiments fully. M[r] Church is a gentleman of integrity & ingenuity. You may therefore rely on such intelligence as he may give you of the circumstances of things here.

I am in haste &c

TO DENNYS DE BERDT.

[MS., Lee Papers, American Philosophical Society, vol. 1. A similar letter, in draft form, is in the Samuel Adams Papers, Lenox Library.]

BOSTON, May 14, 1768.

SIR—

By M[r] Edward Church a Passenger in Capt Willson who saild the 24[th] ult. I sent you the Journals of the House of Representatives for the year past. There cannot be a better Evidence of the Moderation & good temper, with which y[e] Affairs of the last Session, for the greater part of it, were conducted, than the Governors Speech to the two Houses, when

[1] The House of Representatives, on February 12, directed that a copy of the circular letter should be sent to De Berdt.

it ended. The House of Representatives were constantly attentive to the late Acts of Parliament, & almost their whole time was employd in preparing a Petition to his Majesty & Letters to his Ministers &c. Nothing extraordinary passd between the Governor & the House, who seemd determind to carry on Business without giving his Excellency the least Uneasiness that could possibly be avoided. As an Instance, they readily complyd with his Request for a further Establishment for Fort Pownal at the Eastward; which I am satisfied was done rather to gratify the Governor at this Juncture, than from an Apprehension of the real Necessity of it. His Excellency in the Speech above referrd to, complains, that the Lovers of Contention have sought an Occasion of reviving it. It is not difficult to find by the journals, what gave occasion of Uneasiness in the latter part of the Session. Had the Governor conceald from the House, the Letter he had receivd from Lord Shelburne, which it does not appear he was under any sort of Necessity of disclosing to them, all things would have gone on quietly; But when they found that his Lordship had passd a Censure upon their Conduct, grounded upon Information he had receivd, & probably as they thought, by his Excellencys own Letters, it is not to be wonderd at, that they judgd it necessary to take Measures to set their Conduct right in the Mind of a Nobleman of his Lordships Dignity Character and Rank in his Majestys Service; especially as it appeard by the Letter that his Majesty himself had approvd of y^e^ Governors negativing some of the Gentlemen they had elected as Councel-

lors, as being done with due Deliberation & Judgment. The Steps which the House took were no other than common Sense as I apprehend would dictate to any private Gentleman in a similar Case. They are publishd for the World to judge, if there was any Contention in the Matter, to whom the Blame ought to be imputed. It is observeable that where there is a total Want of Confidence between a Governor & the People, which appears to me to be the Case in this Province at present, Suspicions of each other will often take place & operate to disturb the publick Tranquility, and hinder the Affairs of his Majestys Government in the Province from being carried on so prosperously as all good Men would wish for. How far the Jealousys of the House in the present Case of his Excellencys having misrepresented them to his Majesty, as acting from unworthy Views & Motives in their Elections is to be justifyd by his Lordships Letter, disinterested Persons will judge. Such kind of Jealousy has long been in the Minds of very many, if not the greater part of the People; and I am perswaded that nothing will remove it from the minds of by far the greater part of those persons who constituted that House, but a Sight of his Excellencys Letters; or a Declaration from His Lordship, if he will condescend to give it, to the contrary. That House has since been dissolvd, according to Custom, & a new one will be returnd this month; I have no Reason to think that a Cordiality will ever subsist between the present Governor & the Representatives of the people: Harmony upon the Principles of Liberty &

Virtue is much to be desired; but Prejudices have taken so deep Root that it is not to be expected: Which side soever is in fault, if the Prejudice be invincible, his Majestys Government must be impeded, & both the Governor & the People must be unhappy. I now speak my mind with an unreservd freedom, & I hope with Candor & Impartiality, & not indecently; for tho I can by no means say that I am captivated with his Excellencys Administration, I should always rejoyce in his Prosperity; & were he my Patron or Father, my Regards for his Ease & Comfort as well as for the People would induce me to wish for his Removal to another Government.

The Board of Commissioners of the Customs here is extremely disgustfull to the people; they are neglected by Men of Fortune and Character & are viewd in general in no better a Light than the late Commissioners of the Stamps; They appear to be a useless & very expensive set of officers, & the Arrival of their Appendages from time to time with large Salarys, together with the many Officers of inferior Class, which they have created, since they came here, alarm the People with disagreable Apprehensions. The Ideas of their being designd to facilitate trade are now altered; & they are considerd as the Regulators of a Revenue raisd out of the People without their Consent & therefore unconstitutional, & oppressive. Besides it is apprehended that in a very little time they will have an Influence that will be justly formidable. By appointing as many officers under them as they please, for whose Support it is said they may sink the whole Revenue, they may have it in their

power to form such a Connection as to make themselves terrible to the Liberties of the People. There is an anxious Expectation of the Event of the Petition & Letters sent home; It is hoped by the most thinking & judicious here that the Revenue Acts will be repeald and the Commissioners recalled; If this should not take place, it is hard to say what may be the Consequence; While America enjoyd her Liberties, Great Britain reapd the Profits of her Trade & had her warmest Affection; But if her Liberties are violated by the Mother Country, & her Trade rescinded, where is the Band of mutual Affection!

The Resolution of the Americans, which had its Rise in this Town, not to make use of foreign superfluitys, I perceive by the London Prints, is disregarded there as a mere Puff, because upon Enquiry it was found that the Merchants had not stopd their Orders for such kind of Articles, & there have been the usual Exportations to America this Spring. But I wish that this Matter was considerd with a little more Attention; for altho it is very probable that many Persons may break through their Agreement, yet there is no Doubt in my mind but such numbers will adhere to it, as must affect the British Manufacturers. There is certainly such a Disposition among the People to furnish themselves with the American Manufactures as never was known before; & there have been late Instances of the Manufacture of a Variety of Articles much beyond Expectation. It is well known what large Quantitys of the British Manufactures are annually consumd in America. Could

Great Britain endure a total Stop of this Consumption! or What part of it would she be willing should be saved? Will not the making of one Peice of Woolen Cloth encourage the making of Another? And if this Spirit of manufacturing is excited by Resentment as some of your Writers alledge, is it natural to suppose it will stop short of the utmost Possibility? Can any Man in England or America ascertain the Bounds? Will it not affect the Mother Country in proportion to the Extent of it?—But there is another Consideration of great Weight; Let the Importations from Britain be ever so large, the Trade of America is so embarrassd & burthend, that it will not afford the People the Ability of wearing fine Cloaths, and paying for them, so that in the Course of things the Importations must cease thro Necessity.

I pray God, that those who conduct the Affairs of the Nation may be endowd with true Wisdom—that all measures destructive to the common Interest may be reservd, that Fomentors of Division on both sides the Atlantick may be detected & punishd, that Great Britain & the Colonys may thorowly understand their mutual Interest & Dependence, that Harmony may be cultivated between them, & that they may long flourish in one undivided Empire.]

I am with great Regard
Sir
Your most humble Servant

SIR—

June 6 1768–

The bearer of this Letter, Mr John Jeffries is a young Gentleman of a Liberal Education, & of a good

ernor, to think, that the debates and resolutions were designed to be kept a secret from his Excellency, the House came to the following resolution, viz.: Whereas this House hath directed, that a letter be sent to the several Houses of Representatives and Burgesses of the British colonies on the continent, setting forth the sentiments of this House, with regard to the great difficulties that must accrue by the operation of divers acts of Parliament, for levying duties and taxes on the colonies, with the sole and express purpose of raising a revenue; and their proceedings thereon, in a humble, dutiful, and loyal petition to the King, and such representations to his Majesty's ministers, as they apprehend, may have a tendency to obtain redress: And whereas it is the opinion of this House, that all effectual methods should be taken, to cultivate harmony between the several branches of this government, as being necessary to promote the prosperity of his Majesty's government in this province; Resolved, That a committee wait on his Excellency the Governor, and acquaint him, that a copy of the letter aforesaid, will be laid before him, as soon as it can be drafted; as well as of all the proceedings of this House, relative to said affair, if he shall desire it. And a committee was appointed, who waited on his Excellency accordingly. On Monday following, the House resolved on the establishment already mentioned, which is observed, only to shew your Lordship, that there was, at this time, no disposition in the House, "to revive unhappy divisions and distractions, so prejudicial to the true interest of Great Britain and the colonies."

your Lordship, dated Whitehall, 22d of April, 1768; wherein it is declared to be the royal pleasure, that he should require of them, in his Majesty's name, to rescind the resolution, which gave birth to a circular letter from the Speaker of the last House, and to declare their disapprobation of, and dissent to, that rash and hasty proceeding.

The House are humbly of opinion, that a requisition from the throne, of this nature, to a British House of Commons, has been very unusual; perhaps there has been no such precedent since the revolution. If this be the case, some very aggravated representations of this measure, must have been made to his Majesty, to induce him to require of *this* House, to rescind a resolution of a former House, upon pain of forfeiting their existence. For, my Lord, the House of Representatives, duly elected, are constituted by the royal charter, the representative body of his Majesty's faithful commons of this province, in the General Assembly. Your Lordship is pleased to say, that his Majesty considers this step "as evidently tending to create unwarrantable combinations, and to excite an unjustifiable opposition to the constitutional authority of Parliament." The House, therefore, thought it their indispensable duty, immediately to revise the letter referred to; and carefully to recollect as far as they were able, the sentiments which prevailed in the House, to induce them to revert to, and resolve on the measure.

It may be necessary to observe, that the people in this province have attended, with a deep concern, to the several acts of the British Parliament, which im-

faction, which is continually disturbing the public tranquility; and, that while his arm is extended for the protection of his distressed and injured subjects, he will frown upon all those, who, to gratify their own passions, have dared even to attempt to deceive him!

The House of Representatives of this province, have more than once, during the administration of Governor Bernard, been under a necessity of intreating his Majesty's ministers to suspend their further judgment upon such representations of the temper of the people, and the conduct of the Assembly, as they were able to make appear to be injurious. The same indulgence, this House now beg of your Lordship; and beseech your Lordship to patronize them so far, as to make a favorable representation of their conduct to the King our Sovereign; it being the highest ambition of this House, and the people whom they represent, to stand before his Majesty in their just character, of affectionate and loyal subjects.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. JUNE 30, 1768.[1]

[*Massachusetts State Papers*, pp. 147–150.]

May it please your Excellency,

The House of Representatives of this his Majesty's ancient and loyal province of the Massachusetts Bay,

[1] On June 22d Adams was appointed one of the committee which on June 30th reported this letter. The report was adopted immediately after the vote of the House refusing to rescind the circular letter of February 11th. The General Court was prorogued on the day this message was sent to the Governor. The text is printed in the Journal of the House, pp. 91–94. See W. V. Wells. *Life of Samuel Adams*, vol. i., p. 196.

had taken upon a *common* and important concern, without once calling upon them to adopt those measures, or any other.

Your Lordship, surely, will not think it a crime in that House, to have taken a step, which was perfectly consistent with the constitution; and had a natural tendency to compose the minds of his Majesty's subjects of this and his other colonies, until, in his royal clemency, he should afford them relief, at a time, when it seemed to be the evident design of a party, to prevent calm, deliberate, rational and constitutional measures from being pursued; or to stop the distresses of the people from reaching his Majesty's ear, and consequently to precipitate them into a state of desperation, and melancholy extremity. Thus, my Lord, it appears to this House; and your Lordship will impartially judge, whether a representation of it to his Majesty as a measure "of an inflammatory nature"—as a step evidently tending "to create unwarrantable combinations," and, "to excite an unjustifiable opposition to the constitutional authority of the Parliament," be not injurious to the representatives of this people, and an affront to his Majesty himself.

An attempt, my Lord, to impress your royal mind, with a jealousy of his faithful subjects, for which there are no just grounds, is a crime of the most malignant nature; as it tends to disturb and destroy that mutual confidence between the Prince and the subjects, which is the only true basis of public happiness and security; your Lordship, upon inquiry, may find that such base and wicked attempts have been made.

It is an inexpressible grief to the people of this province, to find repeated censures falling upon them, not from ministers of state alone, but from majesty itself, grounded on letters and accusations from the Governor, a sight of which, though repeatedly requested of his Excellency, is refused. There is no evil of this life, which they so sensibly feel, as the displeasure of their Sovereign. It is a punishment which they are assured, his Majesty would never inflict, but upon a representation of the justice of it, from his servants, whom he confides in. Your Lordship will allow the House to appeal to your own candor, upon the grievous hardship of their being made to suffer so severe a misfortune, without ever being called to answer for themselves, or even made acquainted with the matters of charge alleged against them: A right, which, by the common rules of society, founded in the eternal laws of reason and equity, they are justly entitled to. The House is not willing to trespass upon your patience. They could recite numbers of instances, since Governor Bernard has been honored by his Majesty, to preside over this province, of their suffering the King's displeasure, through the instrumentality of the Governor, intimated by the Secretary of State, without the least previous notice, that they had ever deviated from the path of their duty. This, they humbly conceive, is just matter of complaint, and it may serve to convince your Lordship, that his Excellency has not that tender feeling for his Majesty's subjects, which is characteristic of a good Governor, and of which the Sovereign affords an illustrious example.

It is the good fortune of the House, to be able to show, that the measure of the last House, referred to in your Lordship's letter to the Governor, has been grossly misrepresented, in all its circumstances. And it is matter of astonishment, that a transaction of the House, the business of which, is constantly done in the open view of the world, could be thus colored; a transaction which, by special order of the House, was laid before his Excellency, whose duty to his Majesty is, at least, not to misinform him.

His Excellency could not but acknowledge, in justice to that House, that moderation took place in the beginning of the session. This is a truth, my Lord. It was a principle with the House, to conduct the affairs of government in this department, so as to avoid the least occasion of offence. As an instance of their pacific disposition, they granted a further establishment for one of his Majesty's garrisons in the province, rather to gratify his Excellency, who had requested it, than from a full conviction of its necessity. But your Lordship is informed, that this moderation "did not continue;" and that, "instead of a spirit of prudence and respect for the constitution, which seemed at that time to influence the conduct of a large majority of the members, a thin House at the end of the session, presumed to revert to, and resolve on a measure of an inflammatory nature;" that it was an "unfair proceeding"—"contrary to the real sense of the House;" and "procured by surprise." My Lord, the journals and minutes of the House will prove the contrary of all this. And to convince your Lordship, the House beg leave to lay

before you, the several resolutions relating to these matters, as they stand recorded.

The House having finished their petition to the King, and their letters to divers of his Majesty's ministers; a motion was regularly made on the 21st of January,[1] which was the middle of the session, and a resolution was then taken, to appoint a time to consider the expediency of writing to the Assemblies of the other colonies on this continent, with respect to the importance of their joining with them, in petitioning his Majesty at this time. Accordingly, on the day assigned, there being eighty-two members present, a number always allowed to be sufficient to make a full House, the question was debated; in consequence of which, a motion took place, that letters be wrote to the several Assemblies of the provinces and colonies on the continent, acquainting them, that the House had taken into consideration, the difficulties to which they are, and must be reduced, by the operation of the late acts of Parliament, for levying duties and taxes on the colonies; and have resolved on a humble, dutiful and loyal petition to his Majesty, for redress; and also upon proper representations to his Majesty's ministers on the subject. And to desire, that they would severally take such constitutional measures thereupon, as they should judge most proper. And the question upon the motion, passed in the negative. On Thursday, the 4th of February, it was moved in the House, that the foregoing question be considered, so far as to leave it at large; and conformable to a standing rule of the House, that no

[1] See above, page 184.

vote or order shall be reconsidered at any time, unless the House be as full, as when such vote or order was passed; the number in the House was called for, and it appearing that eighty-two members were present, the question was put, and passed in the affirmative, by a large majority; and by an immediately subsequent resolve, the first vote was ordered to be erased. The same day, the resolution which gave birth to the circular letter, took place, a question being regularly moved and fairly debated, whether the House would appoint a committee to prepare a letter, to be sent to each of the Houses of Representatives and Burgesses on the continent, to inform them of the measures which this House has taken, with regard to the difficulties arising from the acts of Parliament for levying duties and taxes on the American colonies, and report to the House, which passed in the affirmative; and a committee was appointed accordingly. This committee, after deliberating a week, reported the letter, which was read in the House, and accepted, almost unanimously; and fair copies of the same were ordered to be taken, for the Speaker to sign, and forward as soon as might be. And this day, there were eighty-three members in the House.

The day following,[1] an order passed, that a fair copy of the letter be transmitted to Dennis De Berdt, Esq. in London. The design of which was, that he might be able to produce it, as necessity might require, to prevent any misrepresentation of its true spirit and design.

On Saturday, the 13th of February, in order that that no possible occasion might be taken by the Gov-

[1] February 12, 1768.

ernor, to think, that the debates and resolutions were designed to be kept a secret from his Excellency, the House came to the following resolution, viz.: Whereas this House hath directed, that a letter be sent to the several Houses of Representatives and Burgesses of the British colonies on the continent, setting forth the sentiments of this House, with regard to the great difficulties that must accrue by the operation of divers acts of Parliament, for levying duties and taxes on the colonies, with the sole and express purpose of raising a revenue; and their proceedings thereon, in a humble, dutiful, and loyal petition to the King, and such representations to his Majesty's ministers, as they apprehend, may have a tendency to obtain redress: And whereas it is the opinion of this House, that all effectual methods should be taken, to cultivate harmony between the several branches of this government, as being necessary to promote the prosperity of his Majesty's government in this province; Resolved, That a committee wait on his Excellency the Governor, and acquaint him, that a copy of the letter aforesaid, will be laid before him, as soon as it can be drafted; as well as of all the proceedings of this House, relative to said affair, if he shall desire it. And a committee was appointed, who waited on his Excellency accordingly. On Monday following, the House resolved on the establishment already mentioned, which is observed, only to shew your Lordship, that there was, at this time, no disposition in the House, "to revive unhappy divisions and distractions, so prejudicial to the true interest of Great Britain and the colonies."

The House beg leave to apologize to your Lordship, for the trouble given you in so particular a narration of facts; which they thought necessary to satisfy your Lordship, that the resolution of the last House, referred to by your Lordship, was not an unfair proceeding, procured by surprise in a thin House, as his Majesty has been informed; but the declared sense of a large majority, when the House was full: That the Governor of the province was made fully acquainted with the measure; and never signified his disapprobation of it to the House, which it is presumed, he would have done, in duty to his Majesty, if he had thought it was of evil tendency: And, therefore, that the House had abundant reason to be confirmed in their own opinion of the measure, as being the production of moderation and prudence. And the House humbly rely on the royal clemency, that to petition his Majesty will not be deemed by him to be inconsistent with a respect to the British constitution, as settled at the revolution, by William the Third: That to acquaint their fellow subjects, involved in the same distress, of their having done so, in full hopes of success, even if they had invited the union of all America in one joint supplication, would not be discountenanced by our gracious Sovereign, as a measure of an inflammatory nature: That when your Lordship shall, in justice, lay a true statement of these matters before his Majesty, he will no longer consider them as tending to create unwarrantable combinations, or excite an unjustifiable opposition to the constitutional authority of the Parliament: That he will then clearly discern, who are of that desperate

faction, which is continually disturbing the public tranquility; and, that while his arm is extended for the protection of his distressed and injured subjects, he will frown upon all those, who, to gratify their own passions, have dared even to attempt to deceive him!

The House of Representatives of this province, have more than once, during the administration of Governor Bernard, been under a necessity of intreating his Majesty's ministers to suspend their further judgment upon such representations of the temper of the people, and the conduct of the Assembly, as they were able to make appear to be injurious. The same indulgence, this House now beg of your Lordship; and beseech your Lordship to patronize them so far, as to make a favorable representation of their conduct to the King our Sovereign; it being the highest ambition of this House, and the people whom they represent, to stand before his Majesty in their just character, of affectionate and loyal subjects.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. JUNE 30, 1768.[1]

[*Massachusetts State Papers*, pp. 147–150.]

May it please your Excellency,

The House of Representatives of this his Majesty's ancient and loyal province of the Massachusetts Bay,

[1] On June 22d Adams was appointed one of the committee which on June 30th reported this letter. The report was adopted immediately after the vote of the House refusing to rescind the circular letter of February 11th. The General Court was prorogued on the day this message was sent to the Governor. The text is printed in the Journal of the House, pp. 91–94. See W. V. Wells. *Life of Samuel Adams*, vol. i., p. 196.

have, with the greatest deliberation, considered your messages of the 21st and 24th instant, with the several extracts from the letter of the right honorable the Earl of Hillsborough, his Majesty's principal Secretary of State for North American affairs, dated the 22d of April last, which your Excellency has thought fit to communicate. We have also received the written answer which your Excellency was pleased to give the committee of this House, directed to wait on you the 29th instant, with a message, humbly requesting a recess, that the members might be favored with an opportunity to consult their constituents, at this important crisis, when a direct and peremptory requisition is made, of a new and strange constructure, and so strenuously urged, viz. that we should immediately rescind the resolution of the last House, to transmit circular letters to the other British colonies on the continent of North America, barely intimating a desire that they would join in similar dutiful and loyal petitions to our most gracious Sovereign, for the redress of the grievances occasioned by sundry late acts of Parliament, calculated for the sole purpose of raising a revenue in America.

We have most diligently revised, not only the said resolution, but also the circular letter, written and sent in consequence thereof; and after all, they both appear to us to be conceived in terms not only prudent and moderate in themselves, but respectful to that truly august body, the Parliament of Great Britain, and very dutiful and loyal in regard to his Majesty's sacred person, crown and dignity; of all which, we entertain sentiments of the highest rever-

ence and most ardent affection; and should we ever depart from these sentiments, we should stand self condemned as unworthy the name of British subjects, descended from British ancestors, intimately allied and connected in interest and inclination with our fellow subjects, the commons of Great Britain. We cannot but express our deep concern, that a measure of the late House, in all respects so innocent, in most, so virtuous and laudable, and as we conceive, so truly patriotic, should have been represented to administration in the odious light of a party and factious measure, and that pushed through by reverting in a thin House to, and reconsidering, what in a full assembly, had been rejected. It was, and is a matter of notoriety, that more than eighty members were present at the reconsideration of the vote against application to the other colonies. The vote for reconsideration was obtained by a large majority. It is, or ought to be well known, that the presence of eighty members makes a full House, this number being just double that, by the royal charter of the province, required to constitute the third branch of our Colony Legislature. Your Excellency might have been very easily informed, if you was not, that the measures of the late House, in regard to sundry acts of the late Parliament, for the sole purpose of raising a North American revenue, were generally carried by three to one; and we dare appeal to your Excellency for the truth of this assertion, namely, that there were many persons in the majority, in all views, as respectable as the very best of the minority; that so far from any sinister views, were the committee of

the late House, appointed and directed to take into their most serious consideration, the then present state of the province, from going into any rash or precipitate measures, that they, for some days, actually delayed their first report, which was a letter to Mr. Agent De Berdt, on this candid and generous principle, that those who were reasonably presupposed to be most warmly attached to all your Excellency's measures, especially those for furthering, and, by all means, enforcing the acts for levying the North American revenue, might be present, and a more equal contest ensue. It would be incredible, should any one assert that your Excellency wanted a true information of all these things, which were not done, or desired to be hid in a corner, but were notoriously transacted in the open light, at noon day. It is, to us, altogether incomprehensible, that we should be required, on the peril of a dissolution of the great and General Court, or Assembly of this province, to rescind a resolution of a former House of Representatives, when it is evident, that resolution has no existence, but as a mere historical fact.

Your Excellency must know, that the resolution referred to, is, to speak in the language of the common law, not now "executory," but, to all intents and purposes, "executed." The circular letters have been sent, and many of them have been answered[1]; those answers are now in the public papers; the public, the world, must and will, judge of the proposals, purposes and answers. We could as well rescind those letters as the resolves; and both would be equally fruitless,

[1] See above, page 188.

if, by rescinding, as the word properly imports, is meant a repeal and nullifying the resolution referred to. But, if, as most probable, by the word rescinding, is intended a passing a vote of this House, in direct and express disapprobation of the measure above mentioned, as "illegal, inflammatory, and tending to promote unjustifiable combinations against his Majesty's peace, crown, and dignity," we must take the liberty to testify, and publicly to declare, that we take it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the King for the redress of grievances; provided always, that the same be done in a decent, dutiful, and constitutional way, without tumult, disorder, or confusion. Furthermore, we are also humbly, but very clearly and very firmly of opinion, that the petition of the late dutiful and loyal House to his Majesty, and their other very orderly applications for the redress of grievances, have had the most desirable tendencies and effects to keep men's minds in ease and quiet. We must be excused, in thinking that the people were, in truth, patiently waiting for the meeting of a new Parliament, and their measures, and his Majesty's pleasure; and it is probable, they would every where have thus waited the event, had it not been revealed here, that the late provincial application for redress of grievances, were somehow, strangely, obstructed, and the province, in consequence of misinformation and misrepresentation, most unfortunately fallen under the royal displeasure; and to complete this misfortune, it was not only divulged to the other colonies, but some of them actually

received the information before it was made known here, that the House had been accused to his Majesty, or his ministers, or fallen under the displeasure of the one, or the censure of the other.

On the whole, sir, we will consider his most sacred Majesty, under God, as our King, and best protector, and common father, and shall ever bear him true and faithful allegiance.

We also regard your Excellency as the representative of the greatest potentate on earth; and at all times have been, and shall be, as far as was, or is, or could consist with the indefeasible purposes of preserving life, liberty and property, most ready and willing, to treat you with all that respect, justly due to your high rank and station. But we are constrained to say, that we are disagreeably convinced, that your Excellency entertains not that paternal regard for the welfare of the good people of this province, which you have sometimes been pleased to profess, and which they have at all times, an irrefragable right to expect from their Governor. Your Excellency has thought fit, not only to deny us a recess, to consult our constituents in regard to the present requisition, but hath assured us, in effect, that you shall take silence, at least a delay, not as usual, for a consent, but for a denial. You have also thought fit to inform us, that you cannot think yourself at liberty, in case of the dissolution of this, to call another Assembly, without the express orders of his Majesty, for that purpose; and at the same time, your Excellency has been pleased to assure us, that you have communicated the whole of Lord Hills-

borough's letter, and your instructions, so far as relates to the requisition. In all this, however, we cannot find, that your Excellency is more than directed to dissolve the present Assembly, in case of a non-compliance on the part of the House. If the votes of the House are to be controlled by the direction of a minister, we have left us but a vain semblance of liberty. We know it to be the just prerogative of the Crown, at pleasure to dissolve a Parliament; we are also sensible, that, consistently with the great charter of this province, your Excellency, when you shall think fit, with or without the intervention of a minister, can dissolve the great and General Court of this colony, and that, without the least obligation to convene another within the year.[1] But, should it ever grow into use, for any ill disposed Governor of the province, by means of a mistaken or wilful wrong state of facts, to procure orders for a dissolution, the same charter will be of no value.

We take this opportunity, faithfully to represent to your Excellency, that the new revenue acts and measures, are not only disagreeable to, but in every view, are deemed an insupportable burthen and grievance, with a very few exceptions, by all the freeholders and other inhabitants of this jurisdiction. And we beg leave, once for all, to assure your Excellency, that those of this opinion, are of "no party, or expiring faction." They have, at all times, been ready to devote their time and fortunes to his Majesty's service. Of loyalty, this majority could as reasonably boast,

[1] On the day following that on which this message was sent to the Governor he dissolved the General Court by proclamation.

as any who may happen to enjoy your Excellency's smiles. Their reputation, rank and fortune, are, at least, equal to those who may have been sometimes considered as the only friends to good government; while some of the best blood in the colony, even in the two Houses of Assembly, lawfully convened, and duly acting, have been openly charged with the unpardonable crime of oppugnation against "the royal authority." We have, now, only to inform your Excellency, that this House have voted not to rescind, as required, the resolution of the last House; and that, on a division on the question, there were ninety-two nays, and seventeen yeas. In all this, we have been actuated by a conscientious, and, finally, a clear and determined sense of duty to God, to our King, our country, and our latest posterity; and we most ardently wish, and humbly pray, that in your future conduct, your Excellency may be influenced by the same principles.

ARTICLE SIGNED "DETERMINATUS."

[*Boston Gazette*, August 8, 1768.]

Messieurs EDES & GILL,

It is said that our brethren at Halifax, are under such dismal apprehensions of our being upon the point of ruin by mobs and tumults, that a certain gentleman there has seen fit, to order his interest out of the hands of a merchant of worth and credit, and committed it to the care of the boatswain of his Majesty's ship *Romney*, still riding in this harbour. How

far these apprehensions will be strengthened by his Excellency's Proclamation in the last Thursday paper, every reader is as capable of judging as I am. It is certainly a grievous hardship that we should be so grossly misrepresented; and if these falsehoods make such impressions on the minds of persons so near to us as Halifax, it cannot be wondered at, if the mother-country at the distance of a thousand leagues, should think that we are in a state of confusion, equal to what we hear from the orderly and very polite cities of London and Westminster. There, we are told, is the Weavers mob, the Seamens mob, the Taylors mob, the Coal miners mob, and some say, the Clergys mob; and in short it is to be feared the whole kingdom, always excepting the ——— and the P———t, will unite in one general scene of tumult: I sincerely pray for the peace and prosperity of the nation and her colonies, whose interest if she would open her eyes she would clearly discern to be undivided.— If it be a truth, as I take it to be, that the people are seldom if ever discontented, without just cause, we may conclude, that the wheels of good government there are somewhat cloged, which it is to be hoped the wisdom of the nation will discover and remedy. That the people of this province are universally uneasy, all must allow; but that they are dispos'd to be mobbish, I utterly deny, and take it upon me to say, that to assert it is a vile abuse of them. What instance can be produced to show that the peace and good order of *the province* hath been *of late* greatly interrupted by the riots and tumults, which have taken place in divers towns within the same? I have

never heard of any, and I question whether there can be one mentioned to justify the assertion. If we are pointed to a stirring that was made in this town about two months ago, let us consider the circumstances which previously took place. Can any one be surprized, that when property was violently seized, under a pretence of law, at an unseasonable time, at or after sunset, by the aid of military power, a power ever dreaded by all the lovers of the peace and good order of the province, and without any reason assigned or apparent: Is it at all surprizing that such ill-timed, violent and unheard of proceedings, should excite the resentment even of the better sort of people in the town. What was the mighty consequence? a few persons appeared to resent it, and after breaking a few panes of glass, by the influence of the inhabitants, they dispersed without doing any further damage: The gent. commissioners three days after took it into their heads to go down to the castle, where they have since resided, and the town has been in perfect peace, and I believe will so remain, at least till they return.—I am not now justifying even this little inconsiderable rising of the people; nor is it my business that I know of to condemn it. I appeal to the world, upon this short but full relation of the facts, whether there was not an acknowledgment due to the inhabitants of the town, for their disposition to maintain good order, which by the way they have upon all *proper* occasions discovered, rather than a necessity of calling upon them, as tho' they had been deficient, to exert themselves in promoting it. The vessel seized was the property of a private gentleman, a

merchant, but the manner in which she was seized was judg'd a public affront, an unwarrantable action; yet the people suppressed their just resentment: And tho' they have had the mortification of seeing ever since, the seized plunder secured under the mouths of hundreds of cannon, when it ought to have been in the care of the civil officers, and would have been full as safe there, they have hitherto waited with patience, in expectation that justice, JUSTICE will be done, even in the court of admiralty.—The representation made by William Tyng, Esq; Sheriff of Cumberland, may be true, and it doubtless answered a very good purpose, to publish to the world that the two men rescued from the Goal there had been convicted of *a riot:* but I would very submissively ask, whether a riot in the county of Cumberland, the most distant county in the eastern part of the province, and near two hundred miles from the Centre or the Capital, is a sufficient reason for asserting that the peace and good order *of the province* has been greatly interrupted by Riots and Tumults, when in all probability ninety-nine in an hundred never heard of it, and of those who had ninety-nine in an hundred detested it. If the civil government has lost its "*Vigor and Firmness*," I dare say it is by no means to be imputed to the want of readiness in the people to support the civil officers in the *due execution of the Law*—there must be some other cause, which I have never yet seen inserted in any *proclamation*—the People of this Province are enlightened—They know how to distinguish, and I pray God they ever may, between the *due execution of the laws of the land*, and the exercise of *new*

invented, strange, unconstitutional Powers, repugnant to the British Constitution and the Charter of the Province—So deep rooted is their abhorrence of such powers as these, that I question whether civil, military or ecclesiastick authority united, will ever be sufficient to induce them to yield the least assistance in support of them—I am no friend to "*Riots, Tumults and unlawful Assemblies*," I take upon me to say, any more than his Excellency is: But when the People are oppress'd, when their Rights are infring'd, when their property is invaded, when taskmasters are set over them, when unconstitutional acts are executed by a naval force before their eyes, and they are daily threatened with military troops, when their legislative is dissolv'd! and what government is left, is as secret as a *Divan*, when placemen and their underlings swarm about them, and Pensioners begin to make an *insolent* appearance—in such circumstances the people will be discontented, and they are not to be blamed—their minds will be irritated as long as they have any sense of honor, liberty and virtue—In such Circumstances, while they have the spirit of freedom, they will *boldly assert* their freedom; and they are to be justify'd in so doing—I know very well that to murmur, or even to *whisper* a complaint, some men call a riotous spirit. But they are in the right of it to complain, and complain ALOUD. And they *will* complain, till they are either redress'd, or become poor deluded miserable ductile Dupes, fitted to be made the slaves of dirty tools of arbitrary power.

DETERMINATUS.

THE CONVENTION OF MASSACHUSETTS TOWNS TO DENNYS DE BERDT.[1]

[*Boston Gazette*, October 10, 1768.]

Messieurs EDES & GILL,

You are desired to publish in your next Paper the following true Copy of a Letter transmitted to DENNYS DEBERDT *Esq; in* London, *by Order of the late Convention, consisting of Committees from Ninety-eight Towns, many of them the most wealthy and numerous in the Province, and eight Districts.*

Yours,

A. B.

BOSTON, September 27, 1768.

SIR,

THE inhabitants of a number of towns within this province, having, at their several Town meetings legally called, taken under their most mature consideration, the great and prevailing uneasiness among the people of the province in general: arising from an apprehension that their charter and constitutional rights and liberties are infringed by the late acts of parliament for the raising a revenue in America without their consent; and also from the immediate prospect of a standing army to enforce the execution of these acts, at this time, when they may reasonably

[1] The convention which authorized this letter met in Boston, September 22d, 1768, as a result of the action on September 13th of the Boston town meeting. According to Wells, not only this letter but also the petition to the King, were written by Adams. W. V. Wells, *Life of Samuel Adams*, vol. i., p. 217. Adams was clerk of the convention, and, with Otis, Hancock, and Cushing, represented Boston. *Boston Record Commissioners' Report*, vol. xvi., pp. 263, 264.

hope the late dutiful and loyal supplications of their Representatives, for a redress of the grievance, is under the consideration of our gracious Sovereign, from whose wisdom & clemency they expect relief: And being deprived of the benefit of a general assembly, his excellency the Governor having dissolved the same at an unusual season, and in an unusual manner, declaring that he does not think himself at liberty to call a new one, till he shall receive further orders from his Majesty. The said towns have severally made choice of Committees to meet together, consult and advise to such measures as may tend to promote the peace and good order of his Majesty's subjects in this province, at so alarming and distressing a crisis.

And being conven'd for the purpose aforesaid at *Boston*, we have taken the earliest opportunity to assure the Governor of the province, and the world, in our Petition offered to his Excellency, which we caused immediately to be published, and is herewith inclosed, to disclaim all pretensions to any authoritative and governmental acts. And you will please to observe, by a copy of our whole proceedings now sent to you, that we have strictly adhered to the express design of our convention.

We have taken the liberty to write to you, as a known friend to the province, and to beg the favour of you to use your kind endeavour to prevent any misrepresentations of our meeting and proceedings, which our enemies may be ready to make. We flatter ourselves you may be enabled from this instance, to afford to his Majesty's ministers, and the good people of Britain, a fresh token of the loyalty of our respec-

tive towns to his Majesty, their attachment to his government, and love of peace and good order.

We wish and pray for the happy time, when a national attention shall be given to the grievances we labor under, and the true source of them. When such a period shall come, we are persuaded that the union and harmony which has hitherto subsisted between Great Britian and the Colonies, and upon which the welfare of both undoubtedly depends, will be confirmed and established.

The present discontent we apprehend originally arose from the nation's having been informed of the ability of the people here to pay considerable duties and taxes. Whoever made such a representation, surely did not attend duly to the heavy load of debt lying upon this province, incurred chiefly by our expenses in defending and enlarging his Majesty's American territories in the last war, which was borne by the people with the greatest alacrity. The nation being itself involv'd in a heavy debt, was easily induced to avail itself of the suppos'd affluence of the Colonies, and unfortunately, as they apprehend, took such a measure as will naturally awaken the jealousy of every free and sensible people, namely, by passing acts to tax them without their consent. The late Stamp-Act made for this purpose, was indeed repealed: But other acts of the same nature and tendency, tho' perhaps not so apparently obnoxious, are in full force, and daily executing.

The people in consequence complain'd of these acts as being abridgments of such constitutional Rights as are laid deep in the foundation of nature: But these

complaints have been represented as arising from a spirit of faction, disloyalty and rebellion. Their most dutiful and loyal petitions to his Majesty, they have been inform'd by the last advice from London, had not reached the royal presence: Nay, his Majesty, as they are told, has been assured that his subjects of this province have even attempted to excite the same spirit among his other colonies, by a circular letter, the only purport of which was to acquaint them of their having petitioned for relief from the common grievance, with hopes of success from the royal clemency.

In order to raise the jealousy of the nation, the most trifling incidents have been wrought up to the highest pitch of aggravation, by persons who still find means to gain a credit there. We shall only recur to the most recent instances.

On the 18th of March last, being the anniversary of the repeal of the Stamp-Act, and observed as a day of rejoicing, a few disorderly persons mostly boys, assembled in the evening, paraded some of the streets, and finally repaired to the House of John Williams, Esq., the inspector-general. Whether their design was to do him an injury or not, by his address and soft treatment of them, together with the interposition of some of the neighbouring householders, they soon retir'd & dispers'd, without doing any mischief at all. His Majesty's Council, in their answer to the Governor, which is inclos'd, have declared this to be too inconsiderable to make it a subject of representation; and that it could not have been made the subject of *so injurious an one*, but by persons disposed

to bring misery and distress upon the town and province; and their declaration it is said has given great offence to the Governor.

There was indeed on the 10th of June following, something that had rather more of the appearance of riot, but it was only of a few hours existence, and with very little mischief. But as we are informed, that the town of Boston have already given you a full account of this affair, supported by affidavits, we shall not give you the further trouble of reciting it, but refer you to their letter.[1] It is however to be observed, that if the inhabitants of that town had been dispos'd to give the least countenance to this riot, so exasperated were the people at the extraordinary and unusual exertion of the naval power, when there could be no apprehension that the King's officers would be in the least measure molested in the due execution of lawful power; as well as the haughty behavior of the commissioners of the customs, that the least countenance would have been sufficient to have led them on to extremities—but they sooth'd them and the people soon dispers'd after having broke a few panes of glass, not to the value of five pounds. We cannot help taking notice here, of a notorious instance of the inveterate temper of our enemies, in a representation made in a certain letter, of this riotous assembly's having burnt a beautiful barge belonging to the collector of the customs, *before Mr. Hancock's door.* As this worthy gentleman sustains a public character, and is one of the principal inhabitants in the province, it is apparent that the

[1] Cf. *Boston Record Commissioners' Report*, vol. xvi., p. 257.

malice of the writer of that letter was not confin'd to a single gentleman, but extended to the public. The truth is, the barge was burnt on a common,[1] surrounded with gentlemen's seats; and the scene could not be said to be before Mr. Hancock's door, any more than before the doors of divers other gentlemen in the neighbourhood. The mean insinuation that was done under the influence of Mr. Hancock, is so far from the least shadow of truth, that it is notorious here, that the tumult was finally dispers'd, principally by his exertions, animated by his known regard to peace and good order.—His Majesty's Council afterwards gave a just account of the occasion of that riot, and repeatedly desired that the Governor would order the same to be made public, but without success.[2]

Care was taken, however, by those, who, to speak in the softest terms, are unfriendly to us, to transmit this affair to the nation in so aggravated a light, as to incense to a high degree. And we cannot indeed wonder, that when such false representations are made by persons, as we have reason to believe, of rank and figure here, our mother country should for a while give credit to them, and under an apprehension of a general insurrection, should send a military force to subdue a people, if we may be allowed to say it, at least as orderly and well-affected,—as sensible of their just rights, and yet as patient under oppression, 'till they can be constitutionally relieved, as any in his Majesty's empire.

[1] T. Hutchinson, *History of the Province of Massachusetts Bay*, vol. iii., p. 191, confirms this. [2] See *Massachusetts State Papers*, pp. 156, 157.

Nothing, we apprehend, is wanting, to restore a much desired harmony, but for his Majesty's subjects, on both sides the atlantic, fully to explain themselves to each other, which is not likely to be done thro' the medium of interested and designing men: Such men would not scruple to raise their fortunes, tho' at the ruin of the empire.—Could such men be removed, the nation, attentive to the calm voice of reason, which we humbly apprehend has been uttered by the colonies, would soon view their disposition, we may at least be allowed to say, that of this province, in its just light, and be convinced, that it is their warmest inclination, as well as in their power, to add strength and riches to the mother state, and administer to the splendor of the British crown.

Thus we have given you a full account of the occasion, nature and design of our convening; which is by no means to assume to ourselves any authority of government; but only as a number of private fellow-subjects met together, to consult and advise the most effectual measures to promote the peace and good order of his Majesty's subjects at this very difficult and distressing time.

We herewith inclose to you an humble, dutiful and loyal petition to our most gracious Sovereign, which we beg the favour of you to present to his Majesty *in person*, as speedily as possible.

We rest, in strict truth,
and with great Respect, &c.
THOMAS CUSHING, *Chairman.*

TO DENNYS DE BERDT.

[MS., collections of the Earl of Dartmouth; a draft is in the Samuel Adams Papers, Lenox Library.]

BOSTON Octo: 3d 1768

The Troops which you mention'd in your Letter to the late Speaker, arrivd last week. Barraks are provided for them at the Castle, which is within the Limits of the Town sufficient to contain more than their Number. Governor Barnard [sic] in opposition to the unanimus advice of his Council insists upon their being Quarter'd in the Body of the Town—they remain this day unprovided with any other Quarters.

The People in general as you may naturally suppose are utterly averse to their continuing among them, yet such was their humanity towards them that they were content to shelter them from the open air for a Night or two even in their City Hall—what will be the event of, I had almost said the obstinacy of the Governor against the sense of a provoked people, God only knows! The Revenue be it just or not is not at all affected in this struggle. It has been paid without interruption during the Retirement of the Commissioners, to the Castle which was of their own Accord and some suspect was to make an appearance and a plausible pretence to the Nation.

The Troops are hitherto orderly, the Inhabitants preserve their Peace and patience. The late Convention has no doubt contributed much towards it, they however look upon their situation, being surrounded with Men of War hostile at least in appearance, and the determination of the Governor to

quarter Soldiers upon them when there are Barraks provided according to Act of Parliament which was made undoubtedly to prevent such a Calamity to be a new & intollerable Grievance. They are resolved not to pay their Money without their own consent and are more than ever determin'd to relinquish every article however dear that comes from Britain, 'till the Acts are repeal'd and the Troops remov'd. May God preserve the Nation from being greatly injured if not finally ruin'd by the Vile insinuations of wicked men *in America.*

I am in haste &c.

ARTICLE UNSIGNED.

[*Boston Gazette*, October 10, 1768.]

Messieurs EDES & GILL,

Please to insert the following.

Cedant Arma Togæ.

By the act of Parliament providing for the quartering and billeting his Majesty's troops, the *civil officers* and NO OTHERS are empower'd "and required to quarter and billet the officers and soldiers in his Majesty's service IN THE BARRACKS PROVIDED in the Colonies, and if there shall not be sufficient room in the said Barracks for the Officers and Soldiers, THEN AND IN SUCH CASE ONLY, to quarter and billet the residue" of them in the inns, livery stables and other houses mentioned in said act.

If then this act of Parliament is to be the rule,

which it is presum'd the gentlemen of the *army* will not deny, it evidently follows, first, That the *military* officers have *no concern at all* in quartering themselves and the soldiers, this being done by the *civil officers* and *no others:* And secondly, that as many of the officers and soldiers as the Barracks will contain, MUST BE quarter'd in *them*, and the residue if any in the inns, &c. The Barracks at the Castle are sufficient to contain MORE THAN THE WHOLE NUMBER of troops now in town, and ARE EMPTY; it therefore appears to a *common understanding*, to be CONTRARY to the act of parliament, for *any of them* to be either *encamp'd* or *quarter'd* in the body of the town—Is it not then astonishing that the *City Hall* and even the SENATE HOUSE should be for more than a week past put to an use, so ABHORRENT from the original and true intent of them, when the Barracks at the Castle, the original and true and legal intent of which is to receive and lodge the officers and troops, are READY FOR THE PURPOSE!—To say that the officers have *a right* to hire quarters for the troops among the inhabitants, and that Mr. *M——y* and others have been *officious* enough to rent them, will not be sufficient to reconcile this matter—for the act further says, "that if any *military* officer *shall take* UPON HIMSELF to quarter soldiers in any of his Majesty's dominions in America, OTHERWISE than is limitted and allow'd in this act, &c. he shall be *ipso facto* cashier'd, and be utterly disabled to have or hold any military employment in his Majesty's service." Will any one say that when a military officer hires Mr. *Murray's* or any other man's house to quarter his

soldiers in, he does not TAKE UPON HIMSELF to quarter them OTHERWISE than is limited in the act of parliament? In short, the act of parliament as all other good laws are, was made for the *general* advantage, and appears to be as much design'd for the *preservation of the peace and good order of the Citizens*, as for the comfort of the soldiery—there seems to be a contract fully imply'd in it, that if the government would provide Barracks for the King's troops, then they should not suffer the inconvenience of their being quarter'd in their towns: Such Barracks *are* provided by this government *at a very considerable expence*, & are now empty; therefore the inhabitants of this town are in JUSTICE as well as BY LAW secured from the inconvenience of having troops quarter'd among them *in any case whatever*, at least TILL THOSE BARRACKS ARE FULL—*Magna est Lex et Prævalebit.*—

ARTICLE, UNSIGNED.

[*Boston Gazette*, October 17, 1768.]

PRINCIPIIS OBSTA.

Messieurs EDES *&* GILL,
Please to insert the following.

"WHERE Law ends, (says Mr. Locke) TYRANNY begins, if the Law be *transgress'd* to *anothers harm*": No one I believe will deny the truth of the observation, and therefore I again appeal to *common sense*, whether the act which provides for the quartering and billeting the King's troops, was not TRANSGRESS'D,

when the barracks at the Castle WHICH ARE SUFFICIENT TO CONTAIN MORE than the whole number of soldiers now in this town, were ABSOLUTELY REFUS'D: This I presume cannot be contested. Should any one say that the law is not transgres'd "*to anothers harm*," the assertion I dare say would contradict the feelings of every sober householder in the town. No man can pretend to say that the *peace* and *good order* of the community is so secure with soldiers quartered in *the body of a city* as without them. Besides, where *military power* is introduced, *military maxims* are propagated and adopted, which are inconsistent with and must soon eradicate every idea of *civil government*. Do we not already find some persons weak enough to believe, that an officer is *oblig'd* to obey the orders of his superior, tho' it be even AGAINST the law! And let any one consider whether this doctrine does not directly lead even to the setting up that superior officer, whoever he may be, as a tyrant. It is morever to be observ'd that military government and civil, are so different from each other, if not opposite, that they cannot long subsist together. Soldiers are not govern'd properly by the laws of their country, but by a law made *for them only*: This may in time make them look upon themselves as a body of men *different* from the rest of the people; and as they and they only have *the sword* in their hands, they may sooner or later begin to look upon themselves as the LORDS and not the SERVANTS of the people: Instead of enforcing the execution of law, which by the way is far from being the original intent of soldiers, they may *refuse to obey* it them-

selves: Nay, they may even *make laws for themselves*, and enforce them by the *power of the sword!* Such instances are not uncommon in history, and they always will happen when troops are put under the direction of an *ambitious* or a *covetous* governor! And if there is any reason for fear that this may be the consequence of a transgression of the act of parliament, it is a transgression not "*to the harm*" of individuals only, but of THE PUBLICK. It behoves *the publick* then to be aware of the danger, and like sober men *to avail themselves of the remedy of the law*, while it is *in their power*. It is always *safe* to ADHERE TO THE LAW, and to keep every man of every denomination and character WITHIN ITS BOUNDS—Not to do this would be in the highest degree IMPRUDENT: Whenever it becomes a question in *prudence*, whether we shall make use of *legal* and *constitutional* methods to prevent the *incroachments* of ANY KIND OF POWER, what will it be but to depart from the *straight line*, to give up the LAW and the CONSTITUTION, which is fixed and stable, and is the *collected* and *long digested* sentiment OF THE WHOLE, and to substitute in its room the *opinion* of *individuals*, than which *nothing can be more uncertain:* The sentiments of men in such a case would in all likelihood be as *various* as their sentiments in religion or anything else; and as there would then be no *settled rule* for the publick to advert to, the safety of the people would probably be at an end.

ARTICLE SIGNED "CANDIDUS."[1]

[*Boston Evening Post*,[2] December 5, 1768.]

Messrs. FLEETS.

I must desire you'll not publish my Piece sent you for last Monday, 'till you hear further from me; tho' I am determined to finish my first plan, in such manner, and at such times as I may see convenient—I will only add at this juncture, a striking anecdote of *Shan ap Morgan, Shentleman of Wales*; who was tried for a RAPE, in Glamorganshire, as a preparatory for one of the Gentlemen I shall speak of next (tho' I would not have Mr.—[Froth] imagine that I have half done with him.)

Shan ap Morgan, Shentleman of Wales, was bro't to the Bar—the Cryer calls—*Shan ap Morgan*—*Shan ap Morgan*—*Shan ap Morgan*, did not answer, but mutter'd—odds poddikins hur won't answer to that.—The Cryer called *Shan ap Morgan* (a second time) still *Shan ap Morgan* mutter'd, odds poddikins hur won't answer to that.—The Cryer then call'd, *Shan ap Morgan, Shentleman of Wales.*—Upon which *Shan ap Morgan* briskly answer'd—here hur is.—Well *Shan ap Morgan, Shentleman of Wales*, how will you be tried. *Shan ap Morgan* answer'd, by the twelve Apostles.—Upon which the Judge said, then *Shan ap Morgan, Shentleman of Wales*, you would stay till the day of Judgment—to which *Shan ap Morgan* shrewdly reply'd—An please your Worship—hur is in no hurry—hur is in no hurry.

CANDIDUS.

[1] This series by "Candidus" is attributed to Adams by W. V. Wells, *Life of Samuel Adams*, vol. i., p. 224.

[2] Published by T. and J. Fleet.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 5, 1768.]

Messieurs EDES & GILL,

Please to insert the following.

I Can very easily believe that the officers of the regiments posted in this town, have been inform'd by our *good friends* that the inhabitants are such a rude unpolish'd kind of folks, as that they are in danger, at least of being affronted during their residence here; and therefore their placing centinels at their respective dwellings seems to be a natural precaution, and under that apprehension may be a necessary step to guard their persons from injury. Or if it be only a piece of respect or homage every where shown to the superior officers of the army, it is a matter which concerns no other persons that I know of, I am sure it is no concern of mine: In this view it is a military custom, in no way interfering with, obstructing or infringing the common rights of the community.—But when these gentlemens attendants take upon them to call upon every one, who passes by, to know *Who comes there* as the phrase is, I take it to be in the highest degree impertinent, unless they can shew a legal authority for so doing. —There is something in it, which looks as if the town was altogether under the government & controul of the military power: And as long as the inhabitants are fully perswaded that this is not the case at present, and moreover hope and believe that it never will, it has a natural tendency to irritate the minds of all who have a just sense of honor, and

think they have the privilege of walking the streets without being controul'd.

I have heard that some of these attendants, when question'd by gentlemen who have tho't themselves affronted in this manner, have pleaded orders from their officers: This I am not apt to believe; but should I be under a mistake, the question still occurs, What right have their officers to give them such orders in this town? It is a question which appears to me to be of *present* importance, and ought to be decided: For if the gentlemen of the army should differ in their sentiments respecting this matter, from the inhabitants and freemen of the town, the posting a *standing army* among us, especially as it is *without* and *against our consent*, instead of preventing tumults, which it is said was the profess'd design of the troops being *sent for*, and ordered here, it is to be feared, will have a tendency quite the reverse— I am informed that not less than nine gentlemen of character, some of them of the first families in this province, were stop'd and put under guard the other evening, for refusing to submit to this *military novelty:* And still more alarming, that one of his Majesty's Council, was stop'd in his chariot in the daytime, when going out of town, under a flimsy pretence that possibly he might have conceal'd a deserter in his chariot, and was treated with insolence. The hon. gentleman I dare say felt his resentment kindle; and every one who hears of so high handed an insult must feel anger glowing in his breast.—I forbear to mention the constant practice of challenging, as it is called, the country people when passing and repass-

ing, upon their lawful business, thro' the gates of the city, where a guard house is erected, upon land belonging to the publick, and it is commonly said, without the leave, or even asking the leave of the publick!

Are we a garrison'd town or are we not? If we are, let us know by whose authority and by whose *influence* we are made so: If not, and I take it for granted we are not, let us then assert & maintain the honor—the dignity of free citizens and place the military, where all other men are, and where they always ought & always *will* be plac'd in every free country, *at the foot of the common law of the land.*—To submit to the civil magistrate in the *legal* exercise of power is forever the part of a good subject: and to *answer* the watchmen of the town in the night, may be the part of a good citizen, as well as to afford them all necessary countenance and support: But, to be called to account by a common soldier, or any soldier, is a badge of slavery which none but a *slave* will wear.

It was an article of complaint in the memorable petition of rights, in the reign of King Charles the first, that certain persons exercis'd "a power to proceed *within the land* according to the justice of *martial law*," even against soldiers, "by such *summary* course and order as is agreeable to *martial* law, and as is used in armies *in the time of war.*" And by the bill of rights it is declared that "the raising and keeping a *standing army* within the kingdom in a time of peace is *against law.* It seems that in the reign of K. Charles the first it was look'd upon to be

"against the form of the great charter and law of the land" that any man *within the land*, tho' a *soldier* or *mariner*, should be judg'd and executed by the martial law; "lest by color thereof, any of his Majesty's subjects be destroy'd or put to death contrary to the law or franchise of the land": and therefore the lords and commons, the guardians of the people, *demanded* of the King as *their right*, and according to the laws and statutes of the realm, the revoking and annulling of the commissions which he had illegally issued for such purpose, and even that Prince revok'd and annull'd them.

Is there anyone who dares to say that Americans have not the rights of subjects? Is Boston disfranchised? When, and for what crime was it done? If not, Is it not enough for us to have seen *soldiers* and *mariners* forejudg'd of life and executed *within the body of the county by martial law?* Are *citizens* to be called upon, threatned, ill used at the word of the soldiery, and put under arrest, by pretext of the law military, in breach of the fundamental rights of subjects, and contrary to the law and franchise of the land? And are the inhabitants of this town still to be affronted in the night as well as the day by soldiers arm'd with muskets and fix'd bayonets? Are these the blessings of government? Is this the method to reconcile the people to the temper of the *present* administration of government in this province? Will the spirits of people as yet unsubdued by tyranny, unaw'd by the menaces of arbitrary power, submit to be *govern'd* by military force? No, Let us rouze our attention to the common law, which

is our birthright—our great security against all kinds of insult & oppression—The law, which when rightly used, is the *curb* and the *terror* of the haughtiest tyrant—Let our magistrates execute the good and wholesome laws of the land with resolution and an intrepid firmness—aided by the posse comitatus, the body of the county, which is their only natural and legal strength, they will see their authority revers'd: The boldest transgressors will then tremble before them, and the *orderly* and *peaceable* inhabitants will be restored to the rights, privileges and immunities of *free subjects*———

VINDEX.

ARTICLE SIGNED "CANDIDUS."

[*Boston Evening Post*, December 12, 1768.]

Ecce negas jurasque mihi per templa tonantis;
Non credo: jura, verpe, per Anchialum.
Swear tho' thou dost by Jove, thou wilt deceive:
Swear by Anchialus; I'll then believe.

MARTIAL.

I Would not have it imagined that Mr. —— (Froth) was a person of so much consequence, as to be the first planner of a B——d of C——s for the American department; by no means, it was talked of long before his last peregrination to England; but thus far I will be bold to say, that though it had been thought of previous to his arrival there; yet I firmly believe it would not have been hurry'd on in the precipitate manner it was; nor would the first plan (which in my humble opinion was the most feasible) have been

alter'd; had it not been for the *fawning, cringing, perfidious rhetorick* of this *Basilisk* with his patron—Shew me the man in this province, or on this continent who knows him, that will not allow, he is the most *insincere, plausible*, and *insinuating* of mankind, and yet such is the art of the man, that let any person thus well acquainted with him, give him but a few moments of his company (Froth) is sure to catch him—the poor Gentleman comes away deluded (in spight of his senses) nay absolutely satisfied that not only he, but all the world have abused and injured the poor innocent Mr. —— (Froth) so that upon the whole Mr. C—— T—w—d[1] (being but mortal) tho' confessedly a very great statesman, was caught by this *Sycophant*, as he has and daily catches others.

"My dear Sir (quoth the 'Squire) believe me, *Boston—Boston* is the spot for the B——d of C——s. I pawn my *honor*, that there—there is the nest of corruption; I have known it to be so for some years."

But Mr. —— (Froth) took particular care not to mention that he was as great a smuggler as any in that province (if knowing such acts to be done, and taking hush money makes an officer an accessory).

The first plan of a B——d of C——s for the American department was in order to ease the old B——d of C——s of part of its burden (the business from this vast continent daily increasing, so as to retard the general business of the revenue) and was intended to be placed in London, in order to be near the Tr—s—y, which every one knows is the ultimatum

[1] Charles Townshend.

of revenue matters: And thus far it must be allowed to be highly necessary—but how to account for Mr. C——s T—w—d's mistake (except as already accounted for) is amazing—nor can there be a greater proof of Mr. —— (Froth's) influence with his *Patron*, than the B——d's being ordered to *Boston*—(Charles) had a *House* there;—he had a large Field of revenge to satisfy—he had some conveniences in the country (I won't say unnatural ones)—he had his old friend the Great Officer to support him—and above all, he had the pleasure of being now equal with his quondam commanding officer; for whom he has a very great regard indeed: besides many other weighty reasons needless to mention at present. —I say, how Mr. C——s T—w—d, who was thought to have (and undoubtedly had) a universal knowledge of the continent of America, could be so grossly mistaken as to fix a B——d of C——s almost at one end of it, is amazing: Nothing but his being *fascinated* by Mr. —— (Froth) can account for it—for it is very well known, that any grievances arising in revenue matters, in most of the southern colonies, can get to England, be there determined by the B——d of C——s (or T—s—y if necessary) and an answer returned to them, before it can more than arrive at Boston—at least for seven months in the year—this is one grand, I may say insurmountable difficulty, that renders the plan futile, and to add to its futility, I will make bold to mention one or two more of this B——d's constructing.

This American B——d of C——s, in order to ape the B——d in London (not having judgment suf-

ficient to discriminate between the difference of countries) has laid the officers of the revenue under the inhuman necessity of employing an agent or agents to receive their salaries in Boston (instead of being paid at their respective ports)—I say inhuman, because many of them have very small stipends and little or no fees; and by their great distance from Boston, the want of a currency exchange, and the intolerable delay of this B——d, are many months before they can get a farthing, and when they do, it is at such a loss that what remains will not half maintain them and their families.

The next is the multiplicity of officers this B——d creates, by way of serving the crown—I dare say it will appear, upon sending their accompts home, that many officers have been added to the revenue, since the commencement of their power; many charges have arisen in consequence thereof, and no additional revenue has been received in proportion to counterbalance those extra expences: So far from it that, I am told, when the officers on the establishments and incidental lists are paid up (without mentioning at large the incidental charges accruing from this B——d's late campaign to *Castle William*, which I am certain in the end will be known at the other side the water to be an entire scheme of Mr. —— (Froth) &c. in order to draw troops to this quarter to support them in their unwarrantable proceedings) little or nothing will remain; I am assured, not enough to pay the six hundred per annum, talked of for four judges of admiralty on this continent—Thus far then Mr. —— (Froth) and his adherents have

been of infinite service to the crown; and will, I dare say, do more, are they but allowed to proceed.

Before I quit this Gentleman, I must mention one very striking instance of his great regard for the service of the crown; especially upon the first institution of this American B——d of C——s; which, considering the unpopularity and novelty, certainly required a great deal of discretion and good management in the members of it, in order to its first establishment.

This Gentleman, through his interest with Mr. C——s T—w—d (which must now appear to have been very great) procured a ship at the expence of government to bring him, two other members of the B——d and their families, with many others belonging to their department, to Boston—It is notoriously known that this *Proteus* (during the passage) left no stone unturned to poison the minds of every officer on board; particularly his two *Brethren;* who by the time they arrived in Boston, were charged so high with prejudice and resentment against the People (though never here before) that from their first landing they did not even condescend to treat the principal people in the place with common decency—This, assuredly was setting out with the utmost propriety for the good of the service; and such men, undoubtedly, are very fit instruments to promote the public good: Indeed, if conducting themselves with a bearish insolence and intolerable haughtiness is to be the standard of their merit, I don't think, if Great-Britain was to be searched, two abler officers could be found, for the purpose.—Will those Gentlemen have effrontery enough to contradict

this? Can they deny that their whole forte (from their first sitting) was to enter into and make a party against particular persons? Have they not spent the major part of their time in politics and cabals? Had they not several private meetings (before their unaccountable flight for Castle William) of such a secret and important nature as to have a man with a drawn sword to guard their door? Did they not turn out several worthy honest officers, merely to affront the person who had appointed them and to irritate the people? But those are strictures I shall dwell upon at large hereafter.——

CANDIDUS.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 12, 1768.]

TO THE PRINTERS.

IT is a very improbable supposition, that any people can long remain free, with a strong military power in the very heart of their country: Unless that military power is under the direction of the people, and even then it is dangerous.—History, both ancient and modern, affords many instances of the overthrow of states and kingdoms by the power of soldiers, who were rais'd and maintain'd at first, under the plausible pretence of defending those very liberties which they afterwards destroyed. Even where there is a necessity of the military power, within the land, which by the way but rarely happens, a wise and prudent people will always have a watchful & a jealous eye over it; for the maxims and rules

of the army, are essentially different from the genius of a free people, and the laws of a free government. Soldiers are used to obey the absolute commands of their superiors: It is death for them, in the field, to dispute their authority, or the rectitude of their orders; and sometimes they may be shot upon the spot without ceremony. The necessity of things makes it highly proper that they should be under the absolute controul of the officer who commands them; who saith unto one come, and he cometh, and to another go, and he goeth. Thus being inured to that sort of government in the field and in the time of war, they are too apt to retain the same idea, when they happen to be in civil communities and in a time of peace: And even their officers, being used to a sort of sovereignty over them, may sometimes forget, that when quartered in cities, they are to consider themselves & their soldiers, in no other light than as a family in the community; numerous indeed, but like all other families and individuals, under the direction of the civil magistrate, and the controul of the common law—Like them, they are to confine their own rules and maxims within their own circle; nor can they be suppos'd to have a right or authority to oblige the rest of the community or any individuals, to submit to or pay any regard to their rules and maxims, any more than one family has to obtrude its private method of œconomy upon another.

It is of great importance, and I humbly conceive it ought to be the first care of the community, when soldiers are quartered among them, by all means to convince them, that they are not to give law, but to

receive it: It is dangerous to civil society, when the military conceives of it self as an independent body, detach'd from the rest of the society, and subject to no controul: And the danger is greatly increased and becomes alarming, when the society itself yields to such an ill grounded supposition: If this should be the case, how easy would it be for the soldiers, if they alone should have the sword in their hands, to use it wantonly, and even to the great annoyance and terror of the citizens, if not to their destruction. What should hinder them, if once it is a given point, that the society has no law to restrain them, and they are dispos'd to do it? And how long can we imagine it would be, upon such a supposition, before the tragical scene would begin; especially if we consider further, how difficult it is to keep a power, in its nature much less formidable, and confessedly limited, within its just bounds!—That constitution which admits of a power without a check, admits of a tyranny: And that people, who are not always on their guard, to make use of the remedy of the constitution, when there is one, to restrain all kinds of power, and especially the military, from growing exorbitant, must blame themselves for the mischief that may befall them in consequence of their inattention: Or if they do not reflect on their own folly, their posterity will surely curse them, for entailing upon them chains and slavery.

I am led to these reflections from the appearance of the present times; when one wou'd be apt to think, there was like to be a speedy change of the civil, for a military government in this province. No

one I believe can be at a loss to know, by whose influence, or with what intentions, the troops destin'd for the defence of the colonies, have been drawn off, so many of them, from their important stations, and posted in this town. Whether they are to be consider'd as marching troops, or a standing army, will be better determined, when the minister who has thus dispos'd of them, or G. B——d, or the Commissioners of the customs, if he or they sent for them, shall explain the matter; as they who did send for them, assuredly will, to Britain and America. I dare challenge them, or any others to prove that there was the least necessity for them here, for the profess'd purpose of their coming, namely to prevent or subdue rebels and traitors: I will further venture to affirm, that he must be either a knave or a fool, if he has any tolerable acquaintance with the people of this town and province, nay, that he must be a traitor himself who asserts it. I know very well, that the whole continent of America is charg'd by some designing men with treason and rebellion, for vindicating their constitutional and natural rights: But I must tell these men on both sides the atlantic, that no other force but that of reason & sound argument on their part, of which we have hitherto seen but precious little, will prevail upon us, to relinquish our righteous claim:—Military power is by no means calculated to convince the understandings of men: It may in another part of the world, affright women and children, and perhaps some weak men out of their senses, but will never awe a sensible American tamely to surrender his liberty.—Among the brutal

herd the strongest horns are the strongest laws; and slaves, who are always to be rank'd among the servile brutes, may cringe, under a tyrant's brow: But to a reasonable being, one I mean who acts up to his reason, there is nothing in military atchievement, any more than in knight errantry, so terrifying as to induce him to part with the choicest gift that Heaven bestows on man.

But whatever may be the design of this military appearance; whatever use some persons may intend and expect to make of it: This we all know, and every child in the street is taught to know it; that while a people retain a just sense of Liberty, as blessed be God, this people yet do, the insolence of power will for ever be despised; and that in a city, in the midst of civil society, especially in a time of peace, soldiers of all ranks, like all other men, are to be protected, govern'd, restrain'd, rewarded or punish'd by the Law of the Land.

VINDEX.

ARTICLE SIGNED "CANDIDUS."

[*Boston Evening Post*, December 19, 1768.]

CANDIDUS informs the Public, that the Reason he has not as yet favored them with the genuine history of *Shan ap Morgan Shentleman of Wales*, is the great difficulty he finds in ascertaining the *true genealogy* of that Gentleman; being thoroughly sensible of the absolute necessity of a very nice scrutiny in this particular; the Gentlemen of that Country being always

very tenacious of their *Petigry*: but makes not the least doubt he shall be able to publish it with some very curious anecdotes to the satisfaction of both *Shan ap Morgan Shentleman of Wales*, and the public, in a very little time.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 19, 1768.]

TO THE PRINTERS.

THE raising and keeping a standing army within the kingdom, in a time of peace, unless it be with the consent of Parliament, is Against Law. This is a declaration of the Right of every British subject, solemnly recogniz'd by the parliament, immediately after the glorious revolution by William the third. It stands recorded, as one of the first things done, after that friend to the common Rights of mankind, that great deliverer of the nation from popery and slavery, and his royal consort were fixed on the throne: When the constitution was again restored and settled on its own basis, which indeed is the only true basis of all government, the laws of God and nature. For government is an ordinance of Heaven, design'd by the all-benevolent Creator, for the general happiness of his rational creature, man.

The consent of parliament necessarily implies the consent of the people: For the people are always present in parliament by themselves or their representatives. I know very well, that some of the late contenders for a right in the British parliament to

the Americans, who are not and cannot be represented there, have denied this: When pressed with that fundamental principle of nature and the constitution, that what is a man's own, is absolutely his own, and that no man can have a right to take it from him without his consent, they have alleg'd & would fain have us believe, that by far the greater part of the people in Britain, are excluded the Right of chusing their representatives and yet are taxed; and therefore that they are taxed without their consent. Had not this doctrine been repeatedly urged, I should have thought the bare mentioning it would have opened the eyes of the people there, to have seen where their pretended advocates were leading them: That in order to establish a right in the people in England to enslave the colonists, under a plausible shew of great zeal for the honor of the nation, they are driven to a bold assertion at all adventures, that truly the greater part of the nation are themselves subject to the same yoke of bondage. What else is it but saying that the greater part of the people in Britain are slaves? For if the fruit of all their toil and industry, depends upon so precarious a tenure, as the will of a few, what security have they for the utmost farthing? What are they, but slaves, delving with the sweat of their brows, not for the benefit of themselves, but their masters? After all the fine things that have been said of the British constitution, and the boasted freedom and happiness of the subjects who live under it, will they thank these modern writers, these zealous assertors of the honor of the nation, for reducing them to a state, inferior

to that of indented servants, who generally contract for a maintenance at least, for their labor.

Whatever air of significance these gentlemen may put on, their assertion, made with so much seeming gravity, I believe, when examined, will appear to be without the least foundation in reason: It is against the plain and obvious rule of equity, whereby the industrious man is intitled to the fruits of his industry: It weakens the best cement of society, as it renders all property precarious: And it destroys the very end for which alone men can be supposed to submit to civil government, which is not for the sake of exalting one man, or a few men, above their equals, that they may be maintained in splendour and greatness; but that each individual, under the joint protection of the whole community, may be the Lord of his own possession, and sit securely under his own vine. The assertion, that the greater part of the people of England are excluded a representation of their own free election, is so far from being the truth, that the contrary is indisputably evident from the whole tenor of the common law, and divers acts of Parliament, recognizing & confirming the same; wherein it is expressly declared, that every individual within the realm, is present in parliament, in person, or by a representative of his own free election. If any one should doubt of the truth of a proposition so much contended for, as well as gloried in, by every sensible Briton, I would refer him to my Lord Coke, 2 Inst., for his satisfaction.—If then, one essential part of the parliament consists of the representatives of the whole commonalty of Britain, chosen by themselves, it

follows, that the consent of the Parliament implies the consent of the body of the people: Unless that body should themselves out of doors agree, that their representatives had materially mistaken their true sentiments, or otherwise misrepresented them. Hence appears the security derived from the British constitution to the British subjects: Each of whom being a constituent part of the public, enjoys his natural unalienable right of offering the whole force of his reason, for or against any public measure: And as the raising and posting a standing army among them, is, in many respects, inconvenient, and always dangerous to civil liberty, the people have an indefeasible right to judge of its necessity: And therefore it is an established point, that it never can be done, consistent with the law and the constitution, in a time of peace, unless the body of the people, by their representatives in parliament, shall judge it to be necessary or convenient, and accordingly Consent To It.

VINDEX.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 26, 1768.]

TO THE PRINTERS.

A STANDING Army, is an army rais'd, and kept within the community, to defend it against any sudden attacks.—If it be ask'd who is to judge, when the community is in danger of such attacks? one would naturally answer, The community itself: For who can be more proper judges of it than they, for whose safety alone, and at whose expence alone, they are kept and

maintain'd. The people, while they enjoy the blessings of freedom, and the security of their property, are generally early enough in their apprehension of common danger; especially when it is so threatening as to require the military aid: And their judgment of the necessity or expediency of a standing army, is generally, at least as honest, as that of their superiors. Indeed, in arbitrary governments, and alas, how few are there in the world, that are not so! the people give up the power of judging in this matter, as well as in all other matters of public concern, to their governors; who always sooner or later, instead of governors, make themselves their masters and tyrants, and even their executioners: And this change is commonly bro't on by the means of standing armies. But in free governments, the people have an influence in publick affairs; and they always will, so far at least, as to prevent their being ruin'd, by the avarice, ambition, humour, caprice, or violence, of one man or a few men, whose interest it may be to ruin them. Thanks be to Heaven, the government of Great-Britain has still its proportion of a democracy: The people have their share in the legislature, and no law can be made, nor any publick measures taken, which can affect their interest, without their consent.

It is an undeniable truth, that a standing army never can be rais'd and kept within the kingdom, in a time of peace, consistent with the constitution, without the consent of the people, by their representatives in parliament: If it should be enquired, whether the Americans ever did or ever could consent in parliament to the raising and keeping a standing army

among them; the question may be solv'd, when it is determin'd whether they ever did or ever could consent in parliament, to the acts for raising a revenue upon paper, glass, tea, molasses and other articles imported, or to the late stamp act: And upon this decision also, diverse other questions may be determin'd; such as, whether the Americans are entitled to such of the rights of the British constitution as are founded in nature and reason? Whether they have ever forfeited those rights? Or whether they are unrighteously invaded?

I have heard it said, that these troops are marching troops, and therefore they cannot be called standing armies; which to be sure is arguing very conclusively, for there is, in some respects, a manifest difference between them. Their marchings and countermarchings, have hitherto been inexplicable to many persons of a common understanding; and were it a time of war, one might expect to see or hear of some notable display of military skill and valor very soon: But as it is at present a time of profound peace, we ought not in reason to entertain thoughts of that kind; especially as the troops are drawn in from the outposts, where, if at all, there can be any prospect of an attack from the enemy: We must therefore be content to wait a little longer; when without doubt we shall hear the present measures accounted for, from the consummate wisdom and policy of the American department, to the honor of the British nation, and the astonishment of all Europe.

The British parliament, with an entire and well grounded confidence in the best of Kings, have con-

sented to the raising and keeping a considerable standing army in this time of peace: And it is the prerogative of the crown to march this army into any part of the dominions. The prerogative is a power vested in the crown by the constitution, for the safety of the people: And it is a power, which is never to be exerted, but when the safety of the people requires it: So wise and gracious a prince as now fills the throne, we may rely upon it, will never exercise that power to the injury of his subjects. The time has been, in former reigns, when such a confidence would have been abused, and such an army made use of, not to defend the nation, but to destroy its liberties.—A part of this army is design'd for the protection and defence of the colonies; the new-conquered provinces may need that protection and defence, and our brethren and fellow subjects in Halifax, it is said, are uneasy without troops: We may safely depend on the wisdom and goodness of his present Majesty, that those troops will always be employed strictly for that purpose: But as the Americans are so unfortunate as to have no voice in the raising and disposing of troops for the defence of America, and especially as they are at so great a distance from the throne; the time may come, in some future reign, when a favourite minister may gain such an ascendency over his master, as to have it in his power to trifle with the royal prerogative; at least to dispose of the army in America as he pleases: With an air of sovereignty, he may dismantle garrisons, remove the troops from those stations where alone the service of the public may call for them, and

order them to be marched into the very heart of well settled provinces, and quartered even in cities in a time of profound peace; there to erect standing armies, or at least to maintain such a military force, as he may think sufficient to awe the civil authority, and subdue the people of America to his schemes of arbitrary and despotic power.

But if these troops are marching troops, that is, if they are only marching thro' this town to the frontier garrisons, the places of their destination, how is it that we are told by some who I believe are in the secret, that they are ordered here to suppress riots and tumults? This I should think has rather the appearance of a standing army, designed to be established in the province. It is said that they have strict orders "to preserve the peace": Are then the military gentlemen constituted the conservators of the peace in a civil government? No, but they are "to act under the civil magistrate," and this is said to be the declaration of lord H——h[1] himself: Has his lordship then been told, and does he believe it, that the civil magistrates of the province have been deserted by the people, their only constitutional aid, in the legal exercise of power, and that a military force is become necessary to support the King's authority in it? If he has, he has been egregiously deceived, and the people have been grossly abused: His Majesty's council of the province, who must be allowed to be at least impartial judges, have declared otherwise.—But further, "as much lenity will be shown to the people" by these troops acting under

[1] Hillsborough.

the civil magistrate "as the nature of things will admit": This is the insulting language of the enemies, and it is adopted by the weak friends of America: So then we are deemed delinquents, but thro' his l–d–h–p's favor the subjects of lenity. Who, that has a spirit of resentment can read their letters without indignation and contempt? Which serve more and more to evince the truth, that we have been represented to the nation as seditious, disloyal and even upon the very eve of rebellion! I expect to be told, in the stile of the officer in the navy, who it is said writes to his friend in Philadelphia, that "the Bostonians have behaved in a most haughty manner and have flown in the face of the mother country." This is the common place language of the whole party: But I challenge them all to show a single instance of the conduct of the town of Boston, that is not fully consistent with the character they justly bear; as a people of unspotted loyalty to their sovereign, as well as tenacious of those sacred rights and liberties wherewith God hath made them free.

It is not my present purpose, to confute the false representations that have been made of the people of this town and province, and indeed of all America, to induce such extraordinary measures. I will appeal to the consciences of all those who have made them, if their consciences are not already seared, as with a red hot iron, that they are scandalous, false and to the greatest degree malicious: Before such measures were taken it behoved the m—r[1] to enquire, and a faithful m—r would have thoro'ly & impartially

[1] minister.

enquired, whether such representations were true or false: Surely a continent of subjects, who have always been loyal as well as brave; who have in recent instances during the late war, distinguished their loyalty, and their affection to the mother country by their bravery, are not to be treated as rebels, till they are proved to be so: And I humbly presume, that a matter of this nature and importance ought not to rest on the bare ipse dixit of a man, who from his first coming into America, has proved himself the greatest enemy to the people in it, by open repeated slander to their faces, as well as private malice.—The time will, I hope, before long come, when the mist that has been cast over the eyes of Britain, will be dispersed as with the light & heat of the sun: Then she will clearly see into the base art that has been used to deceive and ruin her, and will resent it to the confusion of all those who have used it.

VINDEX.

ARTICLE SIGNED "CANDIDUS."

[*Boston Evening Post*, December 26, 1768.]

MAGNA EST VERITAS ET PREVALEBIT.

HAVING determined (from my first publication) not to deviate from the strictest rules of impartiality, during my scrutinizing into the individuals that constitute the A——n B——d of C——s; I to my very great mortification find it utterly impossible to proceed with the history of Mr. —— (Shan ap Morgan Shentleman of Wales) as high up as his Birth and

Parentage, which was what I proposed to have done, had it been attainable: I must indeed own I have been led into a very gross error on his account; taking it for granted that Mr. —— (Shan ap Morgan) in conformity to the ancient & modern usage of his countrymen, had brought his Petigry with him, an instance never being known (before this) in the annals of Europe of any Welshman's quitting his country, without at least a Portmanteau full of the Petigry of his Family; which (by way of abridgment) seldom fails running up as far as Owen Tudor.—Indeed I have been informed by a very worthy Welsh Gentleman now in this town, that the better sort never travel with less than fifteen hundred volumes in folio; but unfortunately for me at this critical juncture, I find that Mr. —— (Shan ap Morgan Shentleman of Wales) set out from Mongomeryshire without a single sheet of his:—Whether this was owing to an accidental fire that destroyed the Mansion-house (and of consequence the records of the family, for the largest and best room in the house is always set apart for that purpose) or that the Rats destroyed them for want of better food; or whether they ever had any existance, I know not;—let that be as it may, I am under the disagreeable necessity of skipping over the geneological part of this Gentleman's history as nimbly as the briskest native of Wales over its most rugged mountains, in order to arrive at the critical period of his being hired (by a Welsh Attorney) as a hackney boy to write Warrants & learn to read Acts of Parliament.

As impartiality is the darling I have adopted, I

should have been vastly happy to have had it in my power to trace this Gentleman up to the Tudors or Winns: but as that (upon my plan) is totally inadmissible; I must content myself with finding him employed as before recited with his Welsh Attorney; who after taking an infinity of pains to instruct him so as to enable him to read Acts of Parliament and copy Warrants tolerably well, found to his unspeakable disappointment that Mr. —— (Shan ap Morgan) grew very talkative; opinionated; and intolerably ignorant and wrong-headed; so much so, that he was very glad to dismiss him at the end of five months with a hearty drubbing; the impression of which (some say) he has never got the better of to this day. Immediately after his dismission Mr. ——(Shan ap Morgan) travell'd up to London and lived there some time (I can't say how long) as other Gentlemen do, upon his means: some say he plyed with his countrymen in the Sedan way (but I do not aver this for truth)—The next thing we know of him, is his advertising at the New England Coffee-house in order to get a berth as Clerk to any skipper bound to the coast of Guinea that would please to ship him.—Here again unluckily, I must lose sight of Mr. —— (Shan ap Morgan Shentleman of Wales) 'till his embarkation for America with a very worthy countryman of his (as an Officer in the Revenue) who through good nature, and the utmost humanity, smuggled him and what baggage he had (exclusive of his Petigry) on board ship, in order to prevent both from falling into the hands of the Philistians.

On his first arrival, to my knowledge, he had at

least the appearance of much humility; tho' it was observed at the same time that he looked wild and confused:—however Mr. ——(Shan ap Morgan) in a very little time waxed fat and kicked——his five months instruction from his Mongomeryshire Attorney, began now to break out; he thought it impossible that the people of N——t, of which place he was C——r (under a very severe rider) could know any thing of Acts of Parliament, or any other kind of literature—and in short, in a very little time Mr. ——(Shan ap Morgan Shentleman of Wales) turned out a very tyrant; harrassed the merchants out of their lives, with a continual unintelligible jargon about Acts of Trade, and false quotations;—grew fat;—began to dress well; and carry a great air of importance—nay began to fortune hunt—but without success——And here I shall quit him at present, to assure my readers, that I esteem the liberty of the press (within its proper limits) as the greatest blessing to the good, and the severest scourge to the licentious, and in no other manner will I ever use it; having a thorough detestation to licentiousness of all denominations; nor shall threats from men in power, or any mean underhand methods of revenge prevent me from exposing the abuse of the power put into their hands.—In time I will shew the conduct of these men in proper colours, chusing to finish with them as individuals before I take notice of their publick conduct in a particular manner.

CANDIDUS.

ARTICLE SIGNED "T. Z."

[*Boston Gazette*, January 9, 1769.]

Messieurs EDES & GILL,

IT seems to be generally agreed, that every man who is taxed has a right to be present in person or by *his own* representative, in the body that taxes him; or as Lord Cambden has expressed it, that "taxation and representation are inseparable." A man's property is the fruit of his industry; and if it may be taken from him under any pretence whatever, at the will of another, he cannot be said to be free, for he labors like a bond slave, not for himself, but for another: Or supposing his property comes by inheritance or free gift, it is absolutely his own, and it cannot rightly be taken from him without his consent. This I take to be the commonly receiv'd opinion, concerning liberty, as it regards taxation: And it is moreover generally understood, that upon this opinion the very being of a *free* government depends. The writer who signs Z. T. in the two last Evening-Posts, thinks it very hard that "he and others should be treated with sneers and ridicule, and as enemies of their country for not falling in with the commonly receiv'd opinion of liberty and taxation"; but till he makes it appear that it is not a just and very important opinion, he has no reason for his complaint.

He tells us that in the year 1764, "it was proposed in Parliament to tax the colonies for the charge of their government and defence"; and intimates the reason "The nation being then more than 140 millions in debt; which was above 60 millions more than it was

the last war."—I would ask this gentleman, whether the old settled colonies, or particularly whether this province ever put the nation to a farthing's expence for its government or defence, from the first settlement of it to this day? If he can prove it ever did, he will do that which no one has been able to do before; but if he cannot, and I presume he cannot, the reason he offers why the colonies or particularly why this province, should be obliged to pay any part of the national debt, is of no validity: But he seems to be aware of this himself; and therefore advances another reason why it was propos'd that the parliament should tax America, viz. to defend the conquered provinces "which ought not to be left without troops." And it was not reasonable that, "England after having run so deeply in debt for acquiring them, should now tax itself for the maintenance of them." But did England alone run deeply in debt in conquering the French in America? Did not the colonies bear a great share in the expence of it? Undoubtedly: Why then should not England tax herself at least for a part of the maintenance of them? Because "great stability and security was given thereby to all the American governments." Was Canada conquered then only for the sake of giving stability and security to the American governments? Had Great Britain no view to her own profit? to the advancement of her own glory, the increase of her trade, and the enlargement of her empire? Has she not the sole advantage of the trade, and the immense tracts of land which the colonies helped her to conquer? And is it a sufficient reason why they should pay the whole expence of

defending these acquisitions, because stability and security was given to them by means of the conquest, after they had pushed their settlements to the infinite advantage of the mother country, at their own expence and in continual wars with the French and Indian enemies some of them for a century and a half! —But the plan is laid: "10,000 troops must be kept up in America," the charge *of them* only computed at £250,000, and the charge of troops and government, £350,000 per annum, and—"considering the distress of the nation, none could expect to prevail against a tax on the colonies." And further—"all that Mr. Grenville desired was, that America would bear the charge of its own government and defence." In pursuance of this plan, the stamp act, he tells us, pass'd the house of commons; but "in complaisance to the colonies, and as Mr. Grenville expressed it, to consult their ease, quiet and good-will, it was hung up till the next year, to give them the opportunity to pass it themselves or some other equivalent." This then was the state of the case; the house of commons was resolv'd to propose to the colonies, that they should tax themselves £350,000 sterling a year for the maintenance of 10,000 troops to be kept up in America, and for the support of their own government, (which they had always before honorably supported) or they would tax them by the passing of the stamp act: And our writer, by way of question, expresses his surprise that instead of "considering the distress of the nation, and the *justness of the demand*, the legality of their right to tax us was disputed, and we proceeded boldly to assert what *we called* our liberties." But he ought to

have shown that the colonies could be said to be free in either case propos'd, or in the one more than in the other; and until he does this, he cannot reasonably find fault with them for thinking the propos'd alternative a just occasion to awaken their attention, & that it was high time for them boldly to assert what *they knew* to be their indefeasible right, viz. to grant their aid with a free consent & without constraint. I never yet heard it said, that a man who had his purse demanded of him by a superior power, acted *freely*, tho' he delivered it with his *own hand*, instead of waiting for it to be taken from him by force: His will and consent certainly cannot be at all concerned in the matter.

Our writer tells us that the "stamp-act being hung up (in its state of a bill) for a year, might have favoured us with time to plead our cause, and he doubts not but we might have been freed from the greatest part of those charges"; But does he not consider, that in *pleading* our cause, as he terms it, we implicitly put it in the power of others to be the judges whether they shall tax us without our consent; for I do not find among the pleadings which he would have had us to make, there is any thing that looks like a saving of our right. And supposing that after having pleaded our cause, in the manner in which he would have had us to have done it, we should not have prevailed upon them to have receded from their purpose of taxing us if we did not tax ourselves; would they not have done it with a much better grace, and told us that we ought not surely to complain, since in pleading our cause before them, we

left it to their sole judgment and decision, whether they had not the right to tax us, or which is the same thing, oblige us to tax ourselves, and they had determined that they had the right. This it must be own'd would have afforded a happy precedent for all futurity.

But this matter it seems was already determined; for he tells us that "the parliament previous to the repeal resolved that they had a right to tax us"; If his inference is, that they *really* had the right, because they *resolv'd* that they had, I shall only say, that his reasoning is much like that of a late letter writer from London, whose wonderful performance, if I mistake not, was inserted in all our news papers, who says that "when an act of parliament is once pass'd, it becomes a part of the constitution." This I confess, at once shuts the mouths of all Americans from complaining of revenue acts, or any other acts of parliament as *unconstitutional;* for what is an essential part of the constitution, I think, cannot be unconstitutional.

Our writer intimates very strongly, that the repeal of the stamp act was a matter of *favor* rather than justice to the colonies—that the act itself was *the discipline of a tender and prudent parent*—that the colonies in opposing it, discover the *symptoms of distraction*—that the repeal was *derogatory to the honor of the parliament*, but it was done to give the colonies time to *come to reason*—that instead of this, their *obstinate* temper, manifested by *assuming and insulting airs*, has made TROOPS *necessary* for the order of society: All which no doubt entitles him to

m—l[1] favor, with a pension of two hundred a year, or at least a place under the right worshipful the American b——d of C—m—rs.

After all, he acknowledges that "there is a great deal of justice and propriety in the case, that the subjects taxed should give their consent by their representatives"; but he fears that if our plea stands good, that the parliament cannot tax us *now*, it will hold good at *another time;* and therefore he would have had us, against the time to come, when he supposes we may "become equal to a fourth part of the whole", to acknowledge that they had the right to tax us, *whenever we should refuse to tax ourselves*, for such sums as they shall think proper to demand of us; and if the matter had been "thus stated and pleaded in a public manner", he apprehends, "it would have influenced the people in the colonies to have made a different choice of persons to represent them", and things would have taken a different turn. Perhaps it would have pleas'd this writer if they had chosen persons who would have given up the whole dispute about the right; for I cannot see that there is any difference, with regard to the right in question, between the Americans consenting forever hereafter to tax themselves such sums as the parliament of Great Britain shall apportion them to pay, and their consenting that the parliament shall tax them as well as apportion the sum: The mode of taxation in the one case, might have been allowed to the Americans, and that is generally allow'd even to an enemy in the case of *military contribution;* but the right of

[1] ministerial.

consenting to the taxation itself would be given up; and in that case would not the colonies be tributary to the people of Great-Britain, instead of fellow subjects, co-equal in dignity and freedom.

Our writer says, that "if such grants and privileges as are pleaded by the Colonists, (such as Charters, &c.) may ever exempt them from paying such a proportion of taxes, it must be concluded that the empire is founded on unjust principles, which needs a reform, in order to make an equality among the subject."—But he seems to be too apt to forget that the rights of nature, as well as the constitution of Great-Britain, exempts the subjects from paying any money at all, upon any account, without their consent. This is one of the principles upon which the *British empire is founded*, and has stood firmly for many ages; if this writer thinks it needs a reform to make an *equality*, surely his proposal that one part of the empire should consent that the other should be the lords *proprietors*, has no tendency to promote an *equality* among the subjects—He tells us that formerly the *Right* of taxation was in the King only —I should have been glad if he had pointed us to that time—We know that Kings, even *English* Kings, have lost their crowns and their heads for assuming such a right. 'T is true, this strange claim has occasioned much contention, and it always will, as long as the people understand the great charter of nature upon which Magna Charta itself is founded —*No man can take anothers property from him without his consent*—This is the law of nature, and a violation of it is the same thing whether it be done

by one man who is called a King or by five hundred of another denomination.—He tells us that by Magna Charta & the Bill of Rights, "the King may tax his subjects with the consent of parliament." I deny it—The King never taxes his subjects—they grant him their aid of their own *free accord*, and tax themselves in their *own mode*.—Taxation is their own *voluntary*, and if I may be allow'd the expression, *sovereign* act—it is *a gift* of the people to the *King*—Indeed the law whereby each individual becomes oblig'd to pay his share of the sum which he has consented to give to the King, is the joint act of King, Lords and Commons. The people of Great-Britain are always in the parliament of Great-Britain by their representatives—therefore the consent of parliament is the consent of the people —but the people of America never were represented in the parliament of Great-Britain, consequently the consent of the commons of Great-Britain to tax them cannot be said to be their consent. His conclusion therefore that our rights are in no wise infring'd, because as he says we are taxed *by the King* with the consent of the British parliament, admitting that it were so, evidently fails—This writer seems to be very zealous for the power of parliament, but to use his own words "certainly ignorant of what it is founded upon."

In his conclusion he finds fault with the people for giving out "that they will defend their liberties at the peril of their lives"; he indeed says it is the language of a *party only*, but I hope, nay I believe he is mistaken—I hope it is the resolution of the

whole people of America, *when called*, to defend their liberties at the peril of their lives—He talks very loosely and strangely of opposing the landing of the King's troops—a thing which never I suppose existed in the minds of any, but those who wish'd for it, that they might have an occasion of justifying the representations they had made of this people as *rebellious* —However, he acknowledges that in some cases, "if there had open'd any prospect of succeeding by opposition, he should have readily join'd in the cause of his country against such oppression"—Pray who joins now in the party who give out that they will defend their liberties at the peril of their lives? —I suppose in this case he would have us to understand that he would have acted boldly and *risqued his life*—but he says his opposition must be "in case of unreasonable exertions of the power of parliament", of which he will judge for himself before he makes opposition; and pray why will he not give others the like liberty? but I would advise him and all others who talk after this manner, if there be any besides him, to take care that the cause is just, upon which alone they may depend for success; and moreover to be sure that this is the mind of the publick, without which they cannot flatter themselves with even a prospect of success. It is not likely however that he would have joined with all his countrymen *against the board of commissioners*, for he declares his opinion that "the true British spirit would have been lost, if the ministry had not exerted the power of the nation for their relief", when they had *voluntarily*, and to *serve the*

turn, immured themselves in Castle-William. I desire to know before I conclude, how long the ministry has had authority *to exert the power of the nation*—this I always tho't belong'd to the parliament generally, in some cases to the King, but I never heard that the power of the nation was left in the hands of the ministry, but so it is according to our writer, who would have looked upon the present exertions of power in America to be neither *parliamentary*, nor *legal*, but merely *ministerial*. The ministry he says has exerted the power of the nation, by which he must mean its *military power*, for the relief of the commissioners of the customs; I suppose in his next he will acknowledge, what I really believe to be true, that it was done *by their special application*.

ARTICLE SIGNED "CANDIDUS."

[*Boston Evening Post*, January 16, 1769.]

Nor Law, *nor* Cavalcade *of Ho'born*,
Could render half a grain less stubborn,
For he at any time would hang,
For th' opportunity t' harangue;
And rather on a gibbet dangle,
Than miss his dear delight to wrangle;
In which his parts were so accomplisht,
That right or wrong he ne'er was non plust;
But still his tongue ran on, the less
Of weight it bore, with greater ease,
And with its everlasting clack
Set all men's ears upon the rack.

BUTLER.

As, *Il faut de l' Argent* was the principle upon which Mr. —— (*Shan ap Morgan, Shentleman of*

Wales) smuggled himself into America, he very soon found that a tyrannical and doggerel behaviour (back'd with a very insignificant smattering of the law) would by no means answer the great end he proposed to himself in the pecuniary way;—this single consideration was fully sufficient to induce him speedily to alter his conduct—he therefore in a very little time made the trade *more convenient to the people*, —many *cargoes* were suffered to be landed for proper considerations; and others (*by agreement*) went through a *prosecution* for the penalty of *one hundred pounds sterling*, for discharging their cargoes without reporting; one third of which fell to his share:— Such were the avenues thro' which Mr. —— (*Shan ap Morgan*) gallop'd in the lucrative way; insomuch that in the *plenitude of his importance* (*when upon the fortune hunting scheme*, which he very often attempted tho' in vain) he assured the ladies and their friends, that his employment was worth him *twelve hundred pounds sterling* per ann.—and I am certain it was thought to be so to him, in the *path* he was then in; tho' I am very well informed, by the number of ships belonging to that port, as well as by the accounts given by his *predecessor* and *successor*, it may be honestly worth between four and five hundred pounds sterl. and no more.—This difference, tho' very considerable, will not be wondered at, when I assure my readers, that the then fee for a vessel's *entering* was from *twelve to twenty Joes*—In this *golden path* continued Mr. —— (*Shan ap Morgan Shentleman of Wales*) till *fear* began to outstrip *avarice*, and startle him by whispering in his ear,

what might happen—the question that then arose in his mind was, what step should be taken;—there—there lay the poize;—at last Mr. —— (*Shan ap Morgan*) conceived a thought of writing home against the C——y in the severest terms; not supposing it probable he should continue long there after such practices—the only difficulty that remained, was to know how to draw up his *historical narrative* equal to the malevolence of his heart; and this, it is certain (with his want of ability) would have been a total bar to his proceedings, had he not fortunately stumbled on one *Kennedy Scott* (a man of some talents at drawing up papers) then wandering about this continent.

This representation against the C——y accordingly went home; and I was well informed by a Gentleman of veracity (last summer from London) who had seen it there, that Mr. —— (*Shan ap Morgan, Shentleman of Wales*) is by no means equal to such performance.—I would be understood to mean, *as to the mode not the matter.*—

Affairs at home taking such an extraordinary turn as they did, thro' the impression of *Verres* and others, was a very lucky circumstance to Mr. —— (*Shan ap Morgan*) for the people were at that time ready to receive any unfavourable representation from this country; accordingly, those from this Gentleman made with a view to save himself from immediate perdition, built him up a character, as a man that was really a good servant of the cr—n; and to his very great astonishment, in a little time, was informed he was appointed a C——r; this too at a

time when he daily expected to be called to account for his venal and corrupt conduct: Nay, I have been well assured by several of the first people in N——t, that it was their firm opinion, from his appearance and conduct, (a little before he heard of his new appointment) that he was meditating his escape out of his M—sty's d——ons, and I will be bold to say that this extraordinary appointment was as astonishing to those who were acquainted with his venality as it was to him.

Before I bring this gentleman on the carpet at B——n, as a C——r, I shall take the liberty to mention one more very striking instance of his virtue, as a man, and greater thirst for the service of the r–v–e, as an officer.

It is very well remembered that Mr. —— (*Shan ap Morgan*) thro' a warmth of constitution, or rather from a desire to erect a character at the other side the water (at that critical juncture) made a violent attack upon the *virtue* of a very honest inhabitant's daughter at N——t, the consequence of which he very well knew would give him a *sanction* to fly on board his M——sty's ship, then in that harbour—(the temper of the people being rather inflamed by the contest about the stamp-act) the event terminated as he could wish; threats ran high against him, which he was determined to take the advantage of, and accordingly fled on board the K—g's ship, taking care immediately after to acquaint his superior officer, and the B——d of C——s, that the persecution of the people (for merely doing his duty with strictness & fidelity) had drove him on board the K—g's ship

in order to save his life—If this is not as true as the rest of my strictures (which I dare say he will not venture to contradict) let him confront it.

Mr. —— (*Shan ap Morgan's*) first arrival at B——n, and his particular conduct upon entering into his important office, shall be deferred to another opportunity.

The next thought that struck him (after getting his brethren blindly noosed to his purpose) was to endeavour to soften the resentment of the R——d-Isl——rs.—Nothing, that we hear of, has been done to, or said of, that p–rt, since his new appointment, but every thing kept quiet *least some should squeak.* —I remember very well, during the C——s *excursion* to C—st—e W——m, to have seen a paragraph in the newspapers, mentioning somebody's intention of collecting a large number of depositions in R——d-I——d government, in order to send home against Mr. —— (*Shan ap Morgan*) which alarmed him to such a degree, that notwithstanding his critical situation at the c—st—e (*as the world was then made to believe*) this Gentleman *and a very useful person* much suited to do *dirty work* for any that would employ him (I think he was called the *Ram Cat*) set out, as was pretended, for the eastern part of this province, but being quite strangers to the country, and much greater to the points of the compass, they *fortunately* for Mr. —— (*Shan ap Morgan*) arrived at Pr—d—ce in R——d–I——d government, where it's universally known they cut a very *respectable figure;* and for that time put a stop to the *exportation* of the intended *depositions.*—But when those people

shall come to know the particulars of Mr. —— (*Shan ap Morgan's*) representations home against them (*which procured him his new appointment*) I should imagine the *cat will be let out of the bag;* especially if G——t will make it safe for the *briber* to discover the *bribed;* for the Gentleman who read those representations in London last summer, assured me it was impossible to conceive them in more *false, wicked* and *injurious* colours.

I must once more declare that my motive for undertaking the disagreeable task of bringing the public and private characters of those Gentlemen upon the carpet does not proceed from a motive of private pique or resentment; but in order to make it appear that they are by no means proper persons to be intrusted with the very important employ they now sustain; to the prejudice of the m——r c——try, and the backwarding the views of adm—st—n.—I must own I have been grieved to think that the characters and conduct of those Gentlemen (*Charles Froth, Esq: and Mr. Shan ap Morgan* in particular) have been such as not to admit of their being treated with that respect and attention their employments entitle them to: Nor have I the least doubt remaining, had proper and respectable men filled their places, that adm—st—n would have been free from the many embarrassments that at present procure them so much trouble and uneasiness;—I must take the liberty to say, that had his Majesty's dominions been searched to find out men more thoroughly disgusting to his American subjects (from the knowledge they have of their venal conduct) they could

not have been found but in those very persons: Not that I would have it imagined, upon any account, that I mean to throw the least slur on the intention of adm—s—n; but that this unfortunate choice must have arisen from a want of knowing the individuals that have pester'd them with applications from this side the water for employments, at the expence of truth and honour; the distance between this continent and the mother country rendering the characters of men and things very uncertain, and of consequence for the most part fallacious.

CANDIDUS.

ARTICLE SIGNED "SHIPPEN."

[*Boston Gazette*, January 30, 1769.]

I Cannot forbear making a few observations on the curious and laboured account of the sentiments of the British government, and the debates in the house of Commons on American affairs given in the Court Gazette of Thursday last. What pains are taken to make us believe contrary to the latest and most authentic advices from home, that the affairs of America in general, and particularly of this province, are in a situation almost desperate, only because a few among us have done every thing in their power to make them so, and cannot endure the thoughts of not having their own prophecies fulfilled, their misrepresentations successful, and their malevolence gratified.—It seems that of late administration has not only adopted implicitly the accounts of facts, but the reasonings upon them, and even governmental measures, as they

have been stated, and suggested by a few of its servants on this side the water: Hence the embarrassments of the ministry, and the perplexity of the nation, from the unnatural contest with the colonies, at a season when the circumstances of Europe require the most perfect union at home, to give weight to our negotiations, and awe to those who might wish to disturb our repose.

The tenor of his Majesty's speech at the opening of parliament, as it respects America, is easily accounted for, from the Budget which about that time was received from hence. The Ministry seem'd to believe, at the first opening of the Budget, that the proceedings of a certain town in America, were not only to the highest degree seditious, but nothing short of treason itself; and that they had full evidence of all this in their hands.—Tho' the people at a distance from the seat of government are always under great disadvantages, with respect to a fair state of their case, in any disputes between them and the servants of the crown, yet Truth very soon so far made its own way, that upon a closer inspection into affairs, the charge appeared to be laid too high: Nor is there a person either in or out of parliament, who has justly stated or proved, one single act of that town, as a public body, to be, I will not say treasonable or seditious, but even at all illegal: nor is it in the power of any man, either on this or the other side the atlantic, to do it.

New vouchers, we are told, are called for from authority: This is no favourable symptom to the sudden and warm accusers; for I believe there are

more than one, who may find it an Augean enterprize, to support their own representation. For it is certainly beyond human art and sophistry to prove that British subjects, to whom the privilege of possessing arms is expressly recognized by the Bill of Rights, and, who live in a province where the law requires them to be equip'd with arms, &c. are guilty of an illegal act, in calling upon one another to be provided with them, as the law directs. But if some are bold and base enough, where the interest of a whole country is at stake, to penetrate into the secrets of the human breast, to search for crimes, and to impute the worst of motives to actions strictly legal, whatever may be thought of their expediency, it is easy to recriminate in the same way; and one man has as good reason to affirm, that a few, in calling for a military force under pretence of supporting civil authority, secretly intended to introduce a general massacre, as another has to assert, that a number of loyal subjects, by calling upon one another to be provided with arms, according to law, intended to bring on an insurrection.

It will be equally difficult to prove it illegal, for a number of British subjects, to invite as many of their fellow-subjects as they please, to convene and consult together, on the most prudent and constitutional measures for the redress of their grievances; or that such an assembly had actually assumed the powers of government, when they actually disclaimed all such powers, and united in recognizing their subjection to government, by humble petitions and remonstrances, and by encouraging their fellow-subjects in their loyalty and good Order.

The true state of things, we may suppose began to appear, under all the clouds that had been thrown over it, even before the addresses of the Lords and Commons were wrote: Accordingly, these addresses, as Mr. Burk said in the House of Commons, were as usual, "Copies, but fainter than the original." And as different accounts were compared, and things cooly considered, the bitter spirit of resentment, occasioned by misinformation and misapprehension, daily subsided; and threatnings of state-prisoners to be sent from hence, of disfranchizing the town, and of vacating the province charter, are no more believed, to the disappointment and vexation of those, who have employed every art to realize such a scene, and have anticipated it, with a foolish air of triumph, that must have been regarded with contempt, did not the malice of it awaken our indignation.

The Gazette account of last Thursday, which I take to have been labor'd by top hands, tells us, "that from the King's speech and the addresses of the two houses, may be collected the sense of the whole nation, and of all parties." Nothing can be more extravagant than such an assertion: Are the sentiments of the Ministry, or the majority of both houses of parliament, always agreeable to those of the majority of the nation? Did not the last parliament pass opposite acts respecting America, just as the ministry changed? Were all parties agreed in reply to the late speech from the throne! Was there not an objection made in the House of Commons against voting thanks for the measures that had been pursued, lest this should be taken as an implicit adoption of those meas-

ures? And, Did not Lord North the chief manager for the minister, declare, that this expression was only designed as a proper and respectful compliment to the throne, and by no means to preclude a free consideration of those measures? Under this explanation from the ministry themselves, it pass'd the House: And yet it is asserted by many, that this mere compliment to Majesty, was the unanimous sanction of parliament, to all that had been done relative to America!

We are further told, that the behaviour of the people of Boston was stated. We wish it had been stated fairly: We only want a candid hearing, and then this much deserving, but much abused town, which has been severely tried, by the most irritating conduct on the part of its enemies, and unjustly charg'd as a town with the crimes, of some base, and unknown persons, would appear truly respectable.

After all, mobs and riots in this capital, are the pretence, rather than the true cause of the bitterness express'd against it: Tumults at least equally illegal have happen'd in other places, but the representations of them have been more just and kind: It is the part this town has taken on the side of liberty, and its noble exertions in favor of the Rights of America, that has render'd it so obnoxious to the tools of power.—But the people of Boston are charg'd with "ingratitude for the repeal of the stamp act! And because some refus'd to make compensation to the sufferers in behalf of that act, and others did it with an ill grace!"—What awful confusion is here to make a single town odious? Were the people of Boston ever

apply'd to for a compensation? Did not the requisition come to the general assembly; in which there were only four members for Boston? Did not these members unite with the general assembly in granting *Ample* compensation? Was not this a free, generous act? Could any power on earth, constitutionally, oblige the province of the town to pay the damages done by unknown rioters? Has the parliament done this in the late riots in England? Did Rhode-Island make compensation, tho' called upon as this province was? Are Howard and Moffat[1] compensated to this day by that colony? What has it suffer'd for a refusal? It has been complimented for its loyalty and good order in one of Lord Hillsborough's circular letters with a view to induce it to treat with contempt this province which had compensated: But Rhode-Island had sense and vertue to despise the ridiculous Lure, and generosity not to withdraw its aid from the common cause.—Without saying any thing more upon this point, we may venture to appeal to the candid world, where the ingratitude lies!

As to the repeal of the stamp act, tho' the people of this province and America universally regarded this act as an infraction of their constitutional rights, and consequently humbly claim'd the repeal as a point of Equity, they yet received it with as much gratitude as if it had been a free gift. They bless'd their Sovereign—They rever'd the wisdom and goodness of the British parliament—They felt themselves happy, till new acts, equally unconstitutional were made, and

[1] Martin Howard and Thomas Moffatt. See *Records of the Colony of Rhode Island*, vol. vi., p. 590; vol. vii., p. 200.

severities impos'd upon trade, unknown even at the time of the stamp act.—But it seems we are unpardonable for not being thankful for the removal of one burthen, after another is laid upon us by the same hands, equally hard to bear! How contemptible is such reasoning! What an affront to common sense! —I never heard of such discourse in parliament till I saw our Court Paper; and can these persons be friends to the leading men in government, who represent them as reasoning in such a manner?

Aye, but the agreement of the merchants not to import goods was said to be an "hostility not practised by nations at war!"—This then was as bad, or worse than the Convention; tho' neither Boston nor this province happen to be alone in such an agreement.—But why did not G. B. send reprehensory letters to the merchants? Why were not the calamities which have been so liberally threatned against us, represented as a punishment of this hostile act, and not wholly laid upon the Convention and the proceedings of the town of Boston! It might doubtless have been done with equal wisdom & justice.—This step of the merchants however has been approv'd and applauded by our most judicious friends at home, and even by British merchants, contrary to their own interest: It has universally been regarded as legal, and the most effectual measure for redress: Aye, there 's the stick; it is because it is likely to prove so effectual, that some men, wou'd wheedle or frighten us out of it.—I remember well, it was highly recommended by some in the time of the stamp act; not, I believe, because they wish'd

it success, but because, perhaps they thought it cou'd never be accomplish'd: Just so, they advis'd to humble petitions to the King and parliament, and then endeavor'd to defeat them, by suggesting to the ministry, that an agent for the house alone, could not properly present their own petition. From hence arises one of Lord Hillsborough's present Perplexities; and if the agent for the house does his duty, his Lordship must use his utmost dexterity to parry the blow.

But, Boston "may be depriv'd of all its trade, and made a village"; Sad indeed! And so may New-York, and all the trading towns on the American continent; and what then? Why then, Bristol, and Liverpool, and London itself, may become villages too.—Was this said in parliament, or, was the threatning moulded here to excite ridicule?—Could a British politician, finding public credit suffering at such a critical season from the unsettled state of America, ever imagine that the nation might be remedied, by turning our sea-ports into villages.—The Compiler goes on to inform us, that Gov. *Bernard* has been spoken of with great respect; and so has Mr. *Otis*, and compared to the Pyms, the Hampdens, the Shippens, and the Sir John Barnard's of Britain. But poor G. B——, it was judiciously observ'd in the house of Commons, has had some very uncommon difficulties to contend with:—Mr. Otis and his compatriots have doubtless had none! No toils —no self-denials—no threatnings—no tempting baits —no; all the virtue is on one side—*Vertue* was never known to be separated from power or

profit; it is all engrossed by the graspers of honorable and lucrative places.—But what are these great difficulties on the G——r's part—why truly, the election of Councellors in part by the representatives of the people, and the return of Juries by the Town, and not by the Sheriffs, who are of his own appointment!—I am sorry that some of the most valuable privileges of this province shou'd prove so great difficulties, to Governor *Bernard*, but can by no means wish them annihilated for the sake of giving him ease. I never heard that they were quite so offensive to any of his predecessors, and cannot think they ever will be to so much as one of his successors: The province has been and may be again quietly and happily govern'd, while these terrible difficulties have subsisted in their full force. They are indeed wise checks upon power in favor of the people; but Power vested in some men, can brook no check:—To assert the most undoubted Rights of human nature, and of the British Constitution, They deem *Faction;* and having embarrass'd a free government, by their own impolitic measures, they fly to the military power, which with equal justice and spirit was said in the late debate in the House of Commons, to be "the last resource of *Ignorant Despotism.*" But force is no very suitable means of changing the sentiments of the people: It is rather adapted to rivet and confirm them. Arms ought to be very cautiously employed, even against faction, which they have often increased rather than quelled.—The present Uneasiness in America has been falsely and insolently called by this odious

name: Can any man suppose, the almost universal complaints of a people, to deserve this appellation? As well might the general uneasiness that introduced the revolution by *William* the Third, and that settled the succession in the illustrious house of Hanover, be called *A Faction!* SHIPPEN.

ARTICLE UNSIGNED.

[*Boston Gazette*, February 13, 1769.]

Messieurs EDES & GILL,

In Draper's[1] last paper we find SALUST astonished beyond his own expression, at reading a piece in the Boston Gazette (URBANUS)—The author, he says "seems offended with the Soldiery in the town, for their *ready assistance* at the late fire": He is sorry "when ignorance or malice brings a cloud upon any of their virtues," viz. the military—He "sincerely wishes to see, more frequent instances of that humanity which subjected them to the displeasure of URBANUS"—"They generously *joined* the general concern"—And he assures us, "that at three o'clock in the morning, the soldiers appeared as numerous and vigilant as the inhabitants."—If *Salust* has got over his fit of *astonishment*, he may find upon a more calm perusal, that *Urbanus* said full as much as all this in a *very few* words, viz. "by the *joint* endeavours and activity of the inhabitants and the soldiery ***unarmed***, the fire was happily extinguished."—*Salust* expressly mentions the industry of the soldiers, but seems rather

[1] *The Massachusetts Gazette and the Boston Weekly News Letter*, published at Boston by Richard Draper.

to leave his *distant* readers to guess at that of the inhabitants; Urbanus *openly* and *generously* attributes the success to the merit *of both*—*Salust* says that "at three o'clock the soldiers were as *numerous* as the inhabitants." *Urbanus* did not chuse to assert such a thing, because I suppose he did not think it was *in fact true;* nor could it be expected, as the number of soldiers in town bears not near an equal proportion with that of the inhabitants.—It is hoped that *Salust* does not here intend to insinuate that many of the inhabitants *deserted* the cause: If he does, he is not quite so candid as *Urbanus* is, who says that "the fire was happily extinguished by the *joint* endeavours of the inhabitants and soldiers," without the least intimation of an abatement of zeal in any—*Salust* takes this occasion to tell us, that in the army and navy, there are "silly boys, fools and madmen."—*Urbanus* uses no such *opprobrious* language of the army or navy, or any man; from whence the reader will judge whether it most concerns *Salust* or *Urbanus* to set about "the removal of pride, vain-glory or hypocrisy," without which it is confessed "reason will (not) have fair play."

You may possibly think, *Messieurs Printers*, that it is a mispense of your time to print the foregoing: My only design is to show that *Urbanus*, whoever he may be, was fair and unexceptionable in his relation of facts; and that *Salust* had no reason to charge him with being displeased at an instance of humanity! when he only finds fault with the "picquet guards being ordered out with their firelocks and bayonets": A piece of conduct in the military which gave great offence to many besides *Urbanus*, who generously

tells us that "the officer marched them off as soon as he was properly spoken to," or informed by the town officers. If *Salust* means "by the ready assistance of the soldiery," the turning out the picquets it may properly be asked, what assistance they were to afford? *Urbanus* tells us, and *Salust* does not deny it, "that the General was fully informed of the regulations of the town on these occasions, by the firewards, sometime ago, and that the turning out the guards was not agreeable to their just expectation," from whence it is natural to conclude, that this matter was particularly explained to him. How it came to pass that they made their appearance *armed*, is not my business to enquire: But as *Urbanus* takes offence at *no other* part of the conduct of the military, *Salust* must mean *such* an appearance, when he speaks of *Urbanus* his being *offended* with their *ready assistance*, *humanity*, *vigilance*, &c—It is a regulation of the town, by long and approved custom, for the friends of persons in danger, formed into separate *fire-societies*, to take care of their moveable estate; so that we are happily free from any necessity of an *armed force* for that purpose, and the exactest military discipline can be of no service in supplying or working an engine. But possibly *Salust* is highly delighted with *military parade*; if so, he cannot surely be at a loss for opportunity to gratify his darling passion even on *Sundays!* Or it may be *Salust* would insinuate the danger of the inhabitants *mobbing* and *rioting*, and the necessity from thence of military power; this supposition seems to be favour'd by the message said to have been sent with all possible dispatch (perhaps

by *Salust* himself, I know not who) "to assure the General that indeed it was no riot, it was only a fire": But if it had been a riot, *What business would armed soldiers have there, until* COMMANDED BY THE CIVIL POWER? It seems to be a prevailing opinion with *some folks*, that there cannot be a collection of persons in this town, even upon the most necessary occasions, but there must needs be danger of a *mob;* and then forsooth, the military must make their appearance of *their own meer motion*, ready cock'd & prim'd, to prevent it.—I expect if this opinion should further prevail, very soon to see the picquet guards drawn up before our church doors in time of divine service, to keep the people from mobbing, when the assemblies are dismissed.—If his excellency should ever *think himself at liberty* to call another general court, and suffer them to meet in this metropolis, and the members of either house should happen to be dispos'd to FACTION, as has been said of them in times past, it is lucky enough, that the main guard, being already fix'd *near the court-house*, the soldiers may afford as "ready assistance," with their *arms and bayonets, to awe the assembly*, as the picquet guard did at the late fire.

ARTICLE SIGNED "CANDIDUS."

[*Boston Evening Post*, February 13, 1769.]

Spemque, metumque, inter dubit, seu vivere credant,
Sive extrema pati, . . . VIRGIL.

As I have already delineated the *convenient* principles and *adroit* abilities of the most *conspicuous*

individuals that constitute the A——n B——d of C——s, I must apologize to the public, for not fulfilling my original design of giving a sketch of every individual of them; previous to considering them as a B——d;—(not that matter is, by any means, wanting, either as to Mr. —— (*Parody*) or the *well-looking, lively Westminster church warden;* as there are many curious anecdotes, *with which I am very well acquainted*, that would serve to amuse the public, and *emblazon* each individual) but as those Gentlemen have never had opportunity to intermeddle with the *political affairs* of this country, previous to the commencement of their present powers, as C——s, I am apprehensive it would rather convey an appearance of unnecessarily finding fault; and that merely for the sake of reviling—which I thoroughly detest and abhor.

On this consideration then, I shall pass them over as individuals—and proceed to canvass their conduct as a B——d; in doing which, I shall endeavour to treat the subject with the utmost tenderness and candour; *my* intent being merely to investigate the truth, and submit it to the impartial public.

In the first place, it will appear, before I finish with their H——rs, that they had no real intention, from their first sitting as a B——d, to harmonize with each other; therefore had not *the true interest of the r—v—e at heart.*—In the next place, it will appear, that instead of confining themselves within the true intent and meaning of their appointment, they have over-leaped the bounds prescribed them by the L——ds of the T——ry, and commenced

Politicians, *Party-men*, and M—n—s of S—te; nay, that they have arrogated to themselves, even the authority of L——ds of the T——-ry, and that purely from a motive of satisfying an unjustifiable *peek* and *prejudice* against respectable men, who (*it's said*) acted under them with honour and honesty.

These H—b—e Gentlemen had not met more than once or twice as a B——d, before they disputed the powers of the officer who was at the head of the r—v—e here, long before the commencement of theirs—(*having appointed, during his being in office*, inferior off—rs to places that had for a long standing been customary)—Nor, did their canvassing such authority, arise in any degree through complaints made of the bad conduct, or *venality* of the individuals, or the impropriety of their appointments; but merely in order to create ill blood with a member of their B——d, who was looked upon by them as too great a check to their intended plans of operation—(two of that B——d having been under him, whose *wings*, it's said, would have been certainly *clipt*, long e'er now, had he been a man as *revengeful*, *ill-principled*, and *unfeeling*, as those h——ble Gentlemen)—This conduct is partly accounted for in a former publication; wherein I say, "that the minds of the two C——s, who came over with the high-finished Mr. ——(*Froth*) were poisoned by him during the passage."——

Who so disgustful? who so great an eye-sore to the v—n—l and c—rr—pt, as he that knows their v—n—l—ty and baseness of heart?—Who so fit an object for them to glut their revenge and malice on? or,

who so great a BAR *to the execution of their wicked purposes?*

Mr. F—lg—r's appointment, it 's true, was from this person: but, assuredly those Gentlemen will not presume to say that it was of his *constructing;*—they most certainly know, and must confess, that such an offi—r, with the same powers Mr. F——r had, has resided at N—t—k—t for more than forty years.—I challenge those h—ble men, to shew one instance of Mr. F——'s *venality*, or *neglect of duty;* I only heartily wish the best of them stood so fair, in the estimation of the honest part of mankind, as this person.

Mr. F——r made a very valuable *seizure* of tea; and as a good offi—r should do (*after securing it*) acquainted their *High Mightinesses* with it.—He was at first ordered to *prosecute;* but before he could *file* his *libel*, those *honest gentlemen* gave orders to the c—p—r of B——n to *reseize* it; alledging that Mr. F——r had no right to *seize;*—but those h——ble men *denied giving such orders;*—however, that was very soon found to be *false.*—Had those gentlemen given such directions merely from a point of duty, would they ever have denied their having done so? *Surely they would not:*—If they did it through *pusillanimity*, are not they unfit for such off–ce? If through *chicanery*, they are still less unqualified.

Surely the consequence of calling the validity of Mr. F——r's *seizing* in question was highly improper, in a country where people are rather apt to make use of every opportunity thrown in their way to weaken the authority of the r—v—e off—rs;—many were on the point of using this extraordinary opinion of their

H—n—s to their own advantage and the prejudice of the cr—n; in short, it was near being a means of the people's doubting the validity of the powers those H—ble Gentlemen brought over respecting themselves.—Never were there more impolitick and plausible weapons thrown into the hands of a discontented people, than those, at a most critical juncture.

Nor did those H—ble Gentlemen stop here with Mr. F——r;—through revenge for not *tamely* and *implicitly* giving up all right and title to this *seizure*, they narrowly watched his proceedings in the *House of Representatives* (*of which he was a member* and towards the end of the sessions, found sufficient ground (*as they say*) upon which they should dismiss him from his employment; the validity of which assertion is now left to the impartial reader.

Mr. F——r having voted for the encouragement of *morality, good order and œconomy* among his *constituents*, was, in consequence of such a *high offence*, sent for by the H—ble B——d of C——s, and *interrogated* by Mr. ——, whether he had thus voted?—Upon his answering in the *affirmative*, he was informed by this *respectable* Gentleman that his M—j—sty had *no further service* for him; and was accordingly dismissed: *A truly ministerial stile this;* very becoming the mouth of a v—n—l off—r, and a very ignorant attorney's boy—*O tempora, O mores!*—Was this *official*?—Was this *common honesty?* Was this doing *service* to the *cr-wn* and the *common cause?*—Was it not *arrogating* to themselves more than *ministerial authority*.

Had these steps taken place through the ignorance

of those h—ble men to the spirit of the people, & the critical situation of the times; there might have been some excuse for such conduct; but as that can by no means be admitted, what other light can be thrown upon such very extraordinary measures, but that of the very hue?

I shall now take a view of the proceedings and very disinterested conduct of those h—le gentlemen in seizing the sloop L—b—y.

What Mr. H—c—k's[1] conduct might have been, either previous, or subsequent to this *seizure*, is not for me to concern myself with; my view being wholly confined to the extraordinary proceedings of the B——d of C——s.

It is obvious, that Mr. —— (*Shan ap Morgan*) and the unparalleled — (*Squire Froth*) had concerted matters (*at their private meetings*) in such manner, *as at all events* to give an alarm to people in power at the other side the water; in order to be protected by an *armed force;* as will clearly appear in the sequel.

Upon Mr. —— (*ap Morgan's*) going to the C—ll—r of B—s—n at almost *sun set*, to order him to seize the sloop L—b—y; that Gentleman argued (*with justness and good sense*) the impropriety of such a step, at that very *unseasonable time.*—Saying, that the lower class of people were then returning from work; and that proceeding to such business, may be attended with bad consequences; but, that it should be done the next morning:—Upon which, Mr. —— (*Morgan*) replied with his usual *ferocity*, that he

[1] Hancock.

must answer for it the next day to the B——d if he did not do it. The C—ll—r upon this *wise* reprimand, immediately proceeded to do his duty;—and I am confident, might have concluded it without any very material resistance; had it not been determin'd by those gentlemen; (in order to irritate the people already heated, by their indiscreet conduct) to order (*by their emissary*) the seizure to be *towed alongside of the K—g's ship*, whose boats and men had been prepared for that purpose, previous to the making such seizure;—a certain indication of the evil purpose of those gentlemen, in order to stir up commotions among the people to answer their wicked machinations.

Here open'd the ever memorable *campaign* in which, the *Generals*, (*Froth*) and (*ap Morgan*) were the chief leaders.—The scheme took according to their plan of operation;—this extraordinary proceeding brought on the attack upon Mr. H—l—ll,[1] but not the least attempt upon the C——rs, nor do I believe, it was ever intended;—however, those expert gentlemen taking the advantage of this imprudent step of the lowest of the people, fled on board the K——g's sh—p *by way of safety where there was no danger;*—indeed General (*ap Morgan*) had been used to such kind of retreats before now;—as has been mentioned heretofore.—As I have followed those Gentlemen up, till their ever memorable flight on board the K——'s ship, I shall at present take my leave of them; not doubting in the least that I shall

[1] Benjamin Hallowell, Jr., comptroller of the customs. See below, page 407.

be able to give as good an account of them by water as by land, *&c. &c.*[1]

CANDIDUS.

ARTICLE SIGNED "E. A."

[*Boston Gazette*, February 27, 1769.]

Messieurs EDES & GILL,

IN the days of the STUARTS, it was look'd upon by some men as a high degree of prophaness, for any subject to enquire into what was called the *mysteries* of government: *James* the first thundered his anathema against Dr. *Cowel*, for his daring presumption in treating of—those *mysteries*; and forbad his subjects to read his books, or even to keep them in their houses. In those days *passive obedience*, *non-resistance*, the *divine hereditary right* of kings, and their being accountable to God *alone*, were doctrines generally taught, believ'd and practiced: But behold the sudden transition of human affairs! In the very next reign the people assum'd the right of *free enquiry*, into the nature and end of government, and the conduct of those who were entrusted with it: *Laud* and *Strafford* were bro't to the block; and after the horrors of a civil war, in which some of the best blood of the nation was spilt as water upon the ground, they finally called to account, arraign'd, adjudg'd, condemn'd and

[1] As to John Robinson, collector at Newport, Cf. *Records of the Colony of Rhode Island*, vol. vi., pp. 453–455, 458, 459, 532. The other commissioners were William Burch, Henry Hulton, Charles Paxton and J. Temple. Abishai Folger, who is mentioned, was earlier a Representative from Shelburne, Nantucket county.

even executed the monarch himself! and for a time held his son and heir in exile. The two sons of *Charles* the first, after the death of *Oliver Cromwell*, reigned in their turns; but by copying after their father, their administration of government was *grievous* to their subjects, and *infamous* abroad. *Charles* the second indeed reign'd till he died; but his brother *James* was oblig'd to abdicate the throne, which made room for *William* the third, and his royal consort *Mary*, the daughter of the unfortunate *James*—This was the fate of a race of Kings, bigotted to the greatest degree to the doctrines of *slavery* and regardless of the *natural*, *inherent*, *divinely hereditary* and *indefeasible* rights of their subjects.—At the revolution, the British constitution was again restor'd to its original principles, declared in the bill of rights; which was afterwards pass'd into a law, and stands as a bulwark to the natural rights of subjects. "To vindicate these rights, says Mr. *Blackstone*, when actually violated or attack'd, the subjects of England are entitled first to the regular administration and *free course of justice* in the courts of law—next to the right of *petitioning the King* and parliament for redress of grievances—and lastly, to the right of *having and using arms for self-preservation and defence.*" These he calls "auxiliary subordinate rights, which serve principally as *barriers* to protect and maintain inviolate the three great and primary rights of *personal security*, *personal liberty* and *private property*": And that of *having arms for their defence* he tells us is "a public allowance, under due restrictions, of the *natural right of resistance and*

self preservation, when the sanctions of society and laws are found *insufficient* to restrain the *violence of oppression*."—How little do those persons attend to the rights of the constitution, if they know anything about them, who find fault with a late vote of this town, calling upon the inhabitants to *provide themselves with arms for their defence* at any time; but more especially, when they had reason to fear, there would be a necessity of the means of self preservation against the *violence of oppression*.—Every one knows that the exercise of the military power is forever *dangerous* to civil rights; and we have had recent instances of *violences* that have been offer'd to *private subjects*, and the last week, even *to a magistrate in the execution of his office!*—Such violences are no more than might have been expected from *military troops:* A power, which is apt enough at all times to take a wanton lead, even when in the midst of civil society; but more especially so, when they are led to believe that *they* are become *necessary*, to awe a spirit of *rebellion*, and *preserve peace and good order*. But there are some persons, who would, if possibly they could, perswade the people *never to make use* of their *constitutional* rights or terrify them from doing it. No wonder that a resolution of this town to *keep arms* for its own defence, should be represented as having at bottom a *secret intention* to oppose the landing of the King's troops: when those very persons, who gave it this colouring, had before represented the peoples petitioning their Sovereign, as proceeding from a *factious* and *rebellious* spirit; and would now insinuate that there is an *impro-*

priety in their addressing even a *plantation Governor* upon public business—Such are the times we are fallen into!

E. A.

PETITION TO THE FREEHOLDERS OF THE TOWN OF BOSTON.[1] MARCH 13, 1769.

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in *New England Hist. and Gen. Reg.*, vol, xlv., pp. 27, 28.]

To the Freeholders & other Inhabitants of the Town of Boston, in Town Meeting assembled March 1769.

The Petition of Samuel Adams of said Boston—Sheweth—

That your Petitioner was chosen by the Town, a Collector of Taxes, annually, from the year 1756 to the year 1764, inclusive: That, notwithstanding all his Care & pains to collect the same, a number of Persons, chargd with their respective taxes, in each of the aforesaid years, besides those whose taxes were abated by the Assessors, were thro' Poverty and Misfortune, unable to make Payment to him.

[1] At the town meeting on March 13, this petition was read and "after a full and long debate had thereon; it was moved & the Question accordingly put—That a Committee be appointed to take M[r] Adams's Petition into Consideration, and Report as soon as may be; which passed in the Negative—Also moved that the List of Outstanding Taxes exhibited by said M[r] Adams to the Selectmen be read in this Meeting; which Question being put—Passed in the Negative—Then a Motion was made and seconded, that the Prayer of the Petition be granted, and that a Person be now chosen to receive the said List, and Collect the Outstanding Taxes, and the Question being accordingly put—Passed in the Affermative by a very great majority—" *Boston Record Commissioners' Report*, vol. 16, pp. 271, 272. See also *Acts and Resolves of the Province of Massachusetts*, vol. v., pp. 55, 56.

That particularly, in the year 1760, a terrible fire happend, which is well rememberd by the Town, & raged with great Desolation in his Ward; which renderd it exceeding difficult, for the suffering Persons who were then indebted to him, for former taxes, to discharge the same.

And in the year 1764, another Misfortune arose, by the spreading of the small Pox in the Town, which reduced it to great Distress; and in a great Measure put it out of his Power, to make any Collections, from the Spring to the Fall—the most successfull Season of the year.

By these Misfortunes your Petitioner was brot into discouraging Circumstances; inasmuch as the Demands of the several Treasurers, were continually more pressing upon *him*, than were the Abilities of those, upon whom he depended, to enable him to answer them: By which means he was often put to considerable Expence; and was obligd finally, contrary to his Judgment in ordinary Cases, to make use of the first Moneys he could collect, in a new year, to make good the Deficiency of the former; which left him the Gleanings of the whole, if he may so express it, to depend upon for his last Payments.

Your Petitioner further represents to the Town; That the whole Amount of Sums committed to him to collect in the years aforesaid is upwards of fifty one thousand Pounds, Lawfull Money; for the collecting the chiefe part of which, the stipulated premium has been three & three quarters p Cent only: That having satisfyed the Demands of the several Treasurers for all the said years, except the last, viz 1764; The Prov-

ince Treasurer issued Execution against him for the sum of £2009–8–8, due to the province for said year: And afterwards the Town Treasurer, by Order of the Town, put his Bond in suit, & recoverd Judgment for the sum due, but by the Indulgence of the Town, Execution was stayed.[1]

Furthermore, your Petitioner would represent, That according to the Expectation of the Town, he has lodgd with the Selectmen, a List of his outstanding Debts; which allowing for unavoidable Errors which may happen, on so large a Sum & in so great a number of hands, is to the best of his knowlege and as he verily thinks, a true List of Debts: And altho' the Amount of this List, is far from being sufficient to discharge the whole of his Arrears; yet he would suggest to the Town, that he has a prospect of receiving a Sum, which together with the said List will be fully equal to the same, as will appear by the State of Accounts herewith exhibited.

Now your Petitioner, having long labourd under a heavy Burden, to which he has often been even ready to yield, makes this prayer to the Town, the Granting of which he will ever acknowlege as a singular favor, Namely—That upon his making payment of the Sum of the Town would order him a final Discharge, & at this meeting appoint some meet Person[2] to receive the List exhibited, & collect

[1] March 14, 1768, the town voted to allow Adams an additional period of six months for the collection of outstanding taxes, and on March 22, 1768, the town appointed Otis, Dana, Hancock, and Kent a committee to request the Province Treasurer and the sheriff to stay proceedings for six months.

[2] Robert Pierpoint was forthwith chosen, and the action was confirmed by the Legislature. Acts of 1769, chap. 3.

and pay into the Treasurys the outstanding Debts aforesaid. With his best Wishes for the Town

Your Petitioner subscribes

ARTICLE SIGNED "A LAYMAN."

[*Boston Gazette*, March 27, 1769.]

Messieurs. EDES & GILL,

I desire you would insert the following Letter in your next Paper: And though the Person to whom it is addressed, among other studied Affronts to Dr. Ch——y, omitted to give him his proper Title; yet as I have heard that he is a Minister of the Church of England, which one would not however have guessed, from his abusive Writings, I shall for the Sake of Decency, *inscribe*

To the Reverend *Mr. S. Seabury*,[1] one of the Writers *in a New York Paper.*

REVEREND SIR,

The treatment which you have given in your late publications to a rev. gentleman of this town, who has for many years been justly esteem'd for his great learning and piety, allow me to assure you, has very much offended those, whom if I could suppose you had any sense of worth, you would have been loth to have displeas'd. The honest and sensible of every denomination, even those of your own perswasion, are asham'd of your calumniating pen: while only the bigotted and prophane, whose applause is censure, are exulting in your feeble attempt to injure a char-

[1] Cf. *Life and Correspondence of Samuel Seabury*, by E. E. Beardsley.

acter, which they have ever rever'd, but could never impeach. Such unworthy behavior in you Mr. *Seabury* will justify a greater freedom than one would incline to take with a *gentleman* of your *suit:* I shall therefore make no hesitation in telling you that your attempt is vain and fruitless; Your malice has for once prov'd harmless; your awkward raillery serves only to render you ridiculous—your fancied wit is but "giddy dulness"; and to mortify your touring vanity, it must and will be said of Mr. *S. Seabury*, as the poet sings of his brother diver, "*He sinks precipitately dull.*"

I cannot suppose that the candid Public expects, that Dr. Chauncy will make any reply to your last *rude* letter. "Answer not a fool according to his folly," one of your profession ought to know, was the advice of a man of prudence: and you may remember the reason subjoin'd; "Lest he be wise in his own conceit." A foible one can easily impute to Mr. *Seabury*, who calls himself "an occasional correspondent" of the merry squire *Tickle*, and has recommended himself, as one of his triumphant auxiliaries, for having, *as he declares himself*, "laid his antagonist fairly on his back." But you should remember, that he who writes to the publick must expect that the publick will form *their own* sentiments of what he writes; and they often pass a very different judgment from that which a fond scribbler makes of *his own* performances: It is possible Mr. *Seabury* that could you have been admitted into the circles of men of sense where you live, and heard their opinion of that very *whip* which you so confidently boasted of, I say, it is

(tho' perhaps barely) possible it would have in some degree allay'd your vanity and self applause.

It seems that a certain grubstreet writer in Mr. Gaine's paper, whether Mr. *Seabury* or not I will not pretend to say, had charg'd Dr. Ch——y in plain terms with "many falshoods"; and particularly in saying that "all the candidates for holy orders in the church of England have the expence of their voyages home paid by the Society, &c."—A gentleman who declares himself to be a member of the church of England and of the Society, from a manly and disinterested regard to truth, and without designing to enter into a controversy, laid open the unfairness of this scribbler; and by a just quotation from the Dr's pamphlet shows that he did *not* say that such candidates have in fact the expences of their voyages home paid, but that the Society had "assured them that their expences in going to England and returning from thence should be defray'd by them."—That the Society did actually lay themselves under such an obligation appears by a pamphlet entitled an account of the Society for propagating the gospel in foreign parts publish'd in 1706, which expressly mentions such an order; and this order was afterwards confirm'd by a subsequent order of the Society to republish the same pamphlet, as appears by an abstract of the proceedings of the Society annexed to Dr. Kennett's sermon publish'd in the year 1712—So that unless any one can make it appear that the Society have since revok'd that order, which I presume cannot be done, it is plain that the Dr. spoke the truth, and therefore ought not to have been charg'd *with*

falshood—Now Mr. *Seabury*, to use your own language, "indulge me in one supposition" "and remember it is only a supposition." *Suppose* that you yourself were this unfair story-teller, and that you had "very decently for a Clergyman "charg'd the Dr. with saying what he never did say, and what you should affirm was not true, might not I upon the supposition retort upon you, with as much justice as in a similar case you have done the Dr, and say that in your opinion "prevarication and lying in a good cause" (where Episcopacy is concern'd) "is allowable."

But should I or any one else be so very *candid* as to *suppose* that you are not the author of the aforesaid scandalous libel against the Dr, would it with certainty be concluded from such a *supposition* only that you were not? I believe none would draw such a conclusion. By parity of reason then no man would conclude that you *were* the author merely because another had said that he *suppos'd* Mr. S—b—ry wrote it; and if you thought that no one clergyman but yourself could be intended by the gutted name, and that it was a scandal to you to be even suspected of having written such a base falsehood as it certainly was, would not a short declaration to the contrary publish'd by you with a spirit of meekness, becoming a minister of religion, have remov'd all suspicion of it? If your character stands fair in your neighbourhood where you are known, such a declaration wou'd have been sufficient to have vindicated you; and "the good people far and wide", most of whom in all likelihood had never heard of

you before, wou'd have been satisfy'd that the gentleman who wrote the letter was either mistaken in his supposition that you were the man, or that by the gutted name he did not intend Mr. *Seabury*, but some other person; unless perhaps Mr. *Seabury's* professing to be an occasional writer in Mr. Tickle's *harmless* and *chaste* paper might leave some room to doubt of the *sincerity* of his declaration—Had you thus acted, you would have discover'd an openess and simplicity becoming your station. But by your conduct, it plainly appears that your design was not altogether to clear *your own* character, but to wound the Dr's, who never did you any harm—and by bringing a railing accusation against him, you have attacked him with a weapon which he does not care to employ—for as archbishop Tillotson, upon Michael the archangel declining to bring a railing accusation against the Devil, finely observes, had they fought at that weapon, Satan would certainly have been too hard for the archangel. By such treatment, you have, Mr. *Seabury* "aye you have," to borrow from your own polite manner of addressing, forfeited all right to the credit of the publick, when you affirm that you were not the author of the first scandalous abuse of the Dr; for there is nothing to prove your innocence in this particular, but *your own* affirmation, and you yourself refuse to admit in a similar case, a *much stronger* proof, I mean the affirmation of Dr. Chauncy.

It is particularly base in you, and let me tell you, has exposed you to the just censure of the good people far and wide, to insinuate that the Doctor had a design to impose upon the world, by "suffixing"

the letters B.W. to his friend's anonimous epistle; in order that it might be believed to be written by Benning Wentworth, Esq[1]; a gentleman who resides in Portsmouth, and is a member of the Society—Hereupon you take upon yourself to charge him in effect with nothing less than forgery, by introducing as similar to it, a story of John a Nokes and Tom a Stiles, which you tell us with a ridiculous *affectation* of ease and humour.—John a Nokes you say was indicted for forging and fixing the name of Tom a Stiles to a Bank Note, and after accommodating every circumstance of the story as nearly as you could to the Dr's case, you conclude with saying, that "in such a case a man might *chance* (mark'd for a pun) to suffer the penalty the law inflicts for *forgery*." Let me now ask you *Mr. Seabury*, whether you did not design that the reader should understand this case to be exactly parallel with the Dr's? If you did not, it was *impertinent* for you to mention it —but if you did, what was it but holding up the Dr. to the world in the same light with a villain who *in your opinion* was guilty of forgery? And is not this a mean and rascally way of attacking a gentleman's character? Does it not show plainly that you dare not speak out what the malignancy of your heart had dictated, and that you were more afraid of the lash of the law, than the just censures of good men or even the remonstrances of your own mind—and all this was said immediately after you had endeavoured to exculpate yourself from an accusation of having charged the Dr. with forgery—

[1] Governor of New Hampshire, 1741–1766.

This is just such bare-faced shuffling as is before hinted at, when in your Letter you insinuate that Dr. Ch——y had "some thirty or more years ago preached a sermon in justification of prevaricating and lying—and then tell us that it is all *supposition*, and that *possibly* you fixed upon the particular instance of preaching, by the same kind of *chance* that directed the Dr. to the two Letters B.W. while you were at the same time endeavouring to make it appear that he could not but have a particular and *wicked* design in chusing them; though while you have managed your cause with the heart, you have evidently discovered that you want the head, of a Jesuit.—But to the story of Tom a Stiles. Pray Mr. Seabury, is there no difference between one man's affixing two letters of the alphabet to an anonymous letter, and another's writing the real name of a person at full length, as in the case you mention—Does B.W. as certainly denote Benning Wentworth, as T-o-m a S-t-i-l-e-s denotes Tom a Stiles—Your pretended parallel then, illucidates nothing but the baseness of your intention, and the malignancy of your heart.—But you say that the person was *described*, as a member of the Society, and no other name on the Society's list had B.W. for its initials; therefore the Dr. *must* intend that Benning Wentworth should be thought to be the writer of the letter signed B.W.—The Dr. tells us that "he had *no view* in the choice of those letters, but to avoid the name of the real author," which he had a right to conceal; and every one who is acquainted with the Dr. or knows his character will believe him—Besides

there are no two letters in the alphabet but may be the initials of some person, and probably of some member of the society; and therefore had any other two letters been thought of, it might have given the same umbrage to some such jealous head as Mr. *Seabury*—And he may stretch his imagination as much as he pleases, to account for the choice of two such distant letters in the alphabet, as B & W, perhaps after all, it may be *suppos'd* by those who have not seen the Dr's explanation of *his own* view, that it was design'd to set fools to guessing—To the immortal honor of Mr. Seabury, it has occasionally produced a specimen of his excellent knack at punning, which will entitle him to the character of the facetious *S. Seabury* of *punning* memory.

But I would ask you, Mr. *Seabury*, Did you not see the Doctor's letter to Mr. Rodgers of New-York, wherein he expressly declares, that the letter sign'd B.W. was written and put into his hands by *an inhabitant of the town of Boston?* Could you then without breach of charity think it was wrote by a gentleman who is *not* an inhabitant of Boston, but of *Portsmouth*, even though the Printer told you, as I suppose he honestly believed, that it was wrote by Benning Wentworth, Esq;—This perhaps you 'll say was a private letter, and therefore could not be satisfactory to the Public who had never seen it—allowed —But did not the Dr. as soon as he was put in mind, tho' in a very *indecent* manner by you, that Benning Wentworth, Esq; was a member of the Society, in order to prevent the appropriation of the letter to that gentleman, take the first opportunity, publickly

to declare, that he had no such intention?—that he never before knew that he was a member of the society—that his friend who put the letter into his hands, allowed him to make what use of it he pleased —that as it had neither date nor signature, he *was pleased* to put one to it, and send it to be published in New-York, to detect the falshood of one Mr. S—b—ry, as the author no doubt for some *good* reason *supposed;* and that by mere accident he subjoined the signature B.W. without a tho't of Benning Wentworth, Esq; tho' they happened, or to use a low pun of Mr. Seabury, *chanced* to be the initials of that gentleman's name—Could any thing be more ingenuous—It was strictly agreeable to the Dr's remarkable honesty and candor; and I dare say, was satisfactory to the hon. gentleman himself, as well as all the good people far and wide—Little then, very little needs the Dr. to trouble himself with what Mr. Seabury or any other angry and railing scribbler may think of it.—He must indeed be out of his senses to have attempted a fallacy, which he might have been assured could easily and would certainly have been detected.—Did ever any man before Mr. *Seabury*, who had any sense of his own character, so expose himself to the Publick, as *strongly* to insinuate, while he did not dare to affirm it, that a gentleman was chargeable with FORGERY, merely for affixing to a paper, in a publick dispute, that had been carried on by *anonimous* writers, two letters of the alphabet, which happen'd to be the initials of another gentleman's name—If this were allow'd, what character would be safe?—But it would be ridiculous to attempt a for-

mal proof that such treatment must be to the highest degree base & infamous.

I shall not think it worth my while to remark upon your *pert* behaviour towards your superior, and a gentleman who is your Father in age. I know the Dr. will freely forgive you this wrong; tho' I think it not improper to tell you that a spark of modesty at least, would be more becoming *my young gentleman*—Your stile and manner will never make you a model for elegance—But this is below notice—Truth —Good humour and good breeding Mr. Seabury, and let me add, *Rev. Sir*, the simplicity and godly sincerity which the gospel requires, would have aton'd for all your defects as a fine writer: Here you have grosly fail'd: Impell'd as I am afraid by the vain hope of becoming a *smart disputant*—It is apparent that the letter sign'd B.W. which has so much inflam'd your resentment, is perfect modesty in comparison with the other suppos'd to be written by Mr. *S—b—ry*: And will not the world judge, from the virulence which you have discover'd in your letters to the Dr. *under your own hand*, that you were fully capable of such a performance. The man who can wantonly lay such a heap of gross charges as fraud, forgery, villainy, scandal, falshood, baseness, all in a breath upon a gentleman of a long established character, only for proving to the world that Mr. S—b—ry or some one else had publickly and wilfully uttered a slanderous falshood of him; I say such a man, in my opinion, would not scruple to publish any defamation—I shall therefore advise you Mr. Seabury to retire into your study if you have

such an apartment, reflect upon what you have wrote, and let your next occasional epistle to squire Tickle be an humble and penitent acknowledgement to the Dr. and to the publick also, whom you have grosly affronted: For however disagreable it may be to you to hear it repeated, your loud and indecent brawling, as far as it has been attended to, has certainly "disturbed the quiet of this country." Your's,

A LAYMAN.

Boston, March 23, 1769.

THE TOWN OF BOSTON TO ISAAC BARRE.[1]

[MS., Samuel Adams Papers, Lenox Library, vol. i.]

BOSTON April 8 1769

SIR—

I have the honor of inclosing to you, by the Direction of the Town of Boston,[2] their humble dutifull & loyal Petition to the Throne, for a redress of their Grievances; & to request that you would do them the singular favor, of presenting it with your own hand to his Majesty.

You are not insensible Sir, how greatly distressing it must be to a free People, to have Troops quarterd in the very heart of their City, exercising a Discipline, with all the Severity which may be necessary in a Garrison: Such is the misfortune of this Town; and these Troops, it is said were orderd to be here at this time, because the State of the Town was such,

[1] 1726–1802; member of Parliament, 1761–1790, through the influence of Shelburne; vice-treasurer for Ireland and privy councillor under the administration of Pitt.

[2] Cf. *Boston Record Commissioners' Report*, vol. xvi., p. 274.

as required the military Aid to protect the Kings Officers & preserve the peace. And what greatly adds to the misfortune of the Town, is a well grounded Intelligence, that the R^t^ Hon. the House of Lords have had such Accounts before them, as to induce their Lordships to pass a Censure upon the Town, as having been in a State of Disorder & Confusion.

Conscious of their own Innocence and under the strongest Apprehension, that they have been greatly misrepresented to his Majestys Ministers, by some of the principal Servants of the Crown & others here, whose Stations & Connections may give them weight, it is the earnest Desire of the Town, that you w^d^ employ your great Influence to remove from the mind of our Sovereign & his ministers & parliament the unfavorable Sentiments that have been formd, of their Conduct; or at least to obtain for them the Knowledge of their accusers & the matters alledgd against them, and an opportunity of vindicating themselves.

Such a generous Interposition, in Behalf of this much distressd & injurd, tho truly loyal Town, will add to the obligations, which they are already under to you, & of which they will always retain a gratefull Remembrance.

It has been long apprehended that the publick transactions & general State of the Town as well as the Behavior of particular persons have been greatly misrepresented to his Majestys Ministers by some of the principal Servants of the Crown & others here, whose Stations & Connections may give them weight.

Can it be imagind Sir that Administration could entertain an opinion of the Town as being in a State of Disobedience to all Law & Gov^{t} & in Consequence thereof order the military power to the aid of civil authority, but from what was judgd the best Intelligence, transmitted by persons in the highest Trust & Confidence & from whom the most impartial Accounts are always to be expected. These Apprehensions are greatly strengthend by the unexpected favor of a Gentleman of Character in London who has been so kind as to procure & transmit to his Majestys Council of the province certain Letters from Governor Bernard to the Earl of Hillsborough together with one from General Gage to the same noble Lord.[1] These Letters have represented the proceedings of the Council in such a Light, as alarms their Attention: And the Character of the Town is so deeply affected by them, as to evince the propriety of the prayer of the petition that they may be favord with Copies of all Gov^{r} Bernards Letters, the Memorials of the Commissioners of the Customs here & other papers of the same Import. In short Sir the Representative Body of the province for years past, from Extracts of Letters from the principal Secretarys of State to Gov^{r} Bernard occasionally laid before them, have seen reason to conclude that their own publick Conduct & the Behavior of their Constituents, have been unfairly represented even to his Majesty himself, by which they have unfortunately sufferd the royal Displeasure. Upon such occasions they have thought it their indispensible

[1] See below, page 398.

Duty, to intreat his Majestys Ministers that no Representations might further operate against them till they should be made acquainted with their nature & tendency & answer for themselves. Such a request tho never granted, must be allowed to be highly reasonable: for the world will judge, whether it is consistent with the plainest rules of Law and Justice, to condemn persons unheard, especially upon the Evidence of those who have made them selves a party, & whose Being, at least the Being of their Importance, depends either upon their *Secrecy*, or a manly Support of their Testimony.

It is said that Gov^r^ Bernard has expressd an Uneasiness that Letters wrote by him in Confidence should be made publick. Whether this be fact or not I will not pretend to say; but surely Justice loudly called for the publication of those Letters at least so far as that his Majestys Council of this province & the Town sh^d^ be apprisd of their Contents. There are some things in them which it can be made clearly to appear, are very gross & material Mistakes. It is a very great Misfortune, when there is no sort of Confidence, to say the least, between a Gov^r^ of a Province & the people over whom he presides. General Gage very probably, formd his opinion of the Town upon the Informations of Gov^r^ Bernard; which in truth is the highest, & ought to be the best Authority in the Province. Upon less Authority it w^d^ seem very extraordinary that a Gentleman who had resided but a few Weeks in the Town in which time there had not been the least Disorder, sh^d^ positively declare to a Minister of State that "in truth there is

very little Gov[t] in Boston." That "the Town & the province had a very long time been influencd by mad people." That their intentions at their Town Meetings, before his residence in the Town were suspicious, & that he was happy, the Troops from Halifax arrivd at the time they did ——

ARTICLE SIGNED "A BOSTONIAN."

[*Boston Gazette*, April 24, 1769.]

Messieurs EDES & GILL,

GENERAL Gage in his letter to the Earl of Hillsborough, is pleased to tell his Lordship that "in truth there is very little government in Boston"; that "their Intentions were suspicious"; and That, "he was happy the Troops from Halifax arrived at the time they did"—Some Gentlemen might perhaps have been a little more cautious of coming to such a Conclusion, and of writing to a minister of state an article of intelligence, which most certainly must affect the Repose of the Sovereign as well as the Happiness of the Subjects—There was not the least Disturbance in this town during the short time of the General's residence in it, except what was occasion'd by the *happy arrival* of those troops from Halifax—No man's station ought to exempt him from being called upon by a loyal people, either to make good or retract his Charge against them as being "suspicious" in their "intentions," at an open legal meeting: and I dare challenge the General to prove by fair argument that the publick transactions of the Town on the 13th of

September last,[1] or the subsequent proceedings of the Convention, were "dangerous" as he is pleas'd to call them, or that they in the least Degree militated with any Law or the British Constitution: As these transactions were all made publick to the world, it is presum'd that the General read them and well consider'd them before he form'd his own judgment, especially as he tho't proper to communicate his judgment to his Majesty's minister; and therefore it is with great propriety expected that he will candidly publish the Reasons, upon which he grounded his Judgment, or he must allow the impartial part of mankind in Britain as well as America to conclude that it was not well founded. With respect to the general state of the town and province, the absurdity of the Opinions of his Majesty's Council, and the Behaviour of the Justices of the peace, of all which the General writes with great freedom, it is probable that he had his Information from Governor BERNARD, and his *few adherents* in the province. This it must be own'd is the highest authority, but it may not be the best. If General Gage had turn'd a little of his attention to the publick Writings of the General Assembly of the province, throughout the greater part of Governor Bernard's administration, he would have found that there had been a constant Jealousy among the Generality of the People in every part of the province, that the national Resentment against this Colony in particular, was owing to the Misrepresentations of the Governor himself; and this might have induced the General to have used some Caution how he entertain'd

[1] See above, page 241.

an ill opinion of the people, but especially how he founded his representations to a minister of state of their temper and behaviour, altogether upon the Declaration of Governor Bernard and his friends; for when Contests run high, the proverb, however homely it may be, will be allow'd by impartial men to be just, that "one story is good, until another is told." If good King David was in haste when he once said that all men were Liars; yet surely the General has studied mankind more thorowly, than to suppose it altogether impossible for a Governor of a province to misrepresent and abuse the people even to the Ear of Majesty itself. The History of *his own* times may confute such an opinion: And should it finally appear by the states of facts sent home in the last ship, by his Majesty's Council and the Town of Boston, that Governor Bernard, is an instance of the Truth of it, I would only ask, upon a candid supposition that the General grounded his Letter upon what such a Governor told him, What Reparation he can make without publickly acknowledging his mistake? If the General has characterized the Town and Province upon his own observation, I appeal to the candid world, whether the bare affirmation of a Gentleman, unsupported by any Evidence, can be deem'd sufficient to blast the Reputation of a Province.

A BOSTONIAN.

ARTICLE SIGNED "A TORY."

[*Boston Gazette*, May 1, 1769.]

To Sir ——,[1]

As an individual Inhabitant of this Province, tho' obscure and mean, I beg leave to present my congratulatory Compliment to your ——— on the high honor you now sustain, of a BARONET of Great-Britain. This is a Promotion which the *friends of Government*, or which is the same thing, *your own* friends have long thought you justly merited: And even your enemies and the *factious Leaders* themselves must confess, that the eminent Services you have done for the *present* M——y have been such as my L—— of H—— *that Patron of true worth* could not have fail'd to set forth in the most distinguishing point of light.—YOUR Promotion, Sir, reflects an honor on the Province itself: An Honor which has never been conferr'd upon it, since the thrice happy administration of *Sir* EDMOND ANDROSS, of precious memory, who was also a BARONET; nor have the unremitted Endeavors of that very *amiable* and truly *patriotick* Gentleman, to render the most substantial and lasting Services to this people, upon the plan of a *wise* and *uncorrupt* set of M——rs, been ever *parallelled*, till since you *adorn'd* the Ch——r.—*Your own* Letters will serve to convince the World, and the latest Posterity, that while you have constantly preserved a sacred and inviolable Regard to punctilious TRUTH, in *every* Representation which you have made of the people of your G——, you have care-

[1] Francis Bernard, Baronet of Nettleham. See below, page 378.

fully endeavor'd to give the most *favorable* Colouring to their Conduct and Reputation; And the *Tenderness* which you have ever *remarkably* felt for their *civil* Rights as well as their *Religion*, will not admit of the least Room to question, but that even the Influence you have *evidently* employ'd with Success, to introduce a MILITARY Power, and the unwearied Pains you took to get them quarter'd *in the Body of the Town*, sprang from your *Piety* and *Benevolence* of Heart—Pity it is that you have not a PENSION to support your Title: But an assembly *well chosen*, may supply that want even to *your* wish. Should this fail, a late Letter, said to have strongly recommended a Tax upon the IMPROVED LANDS of the Colonies, may be equally successful with the *other* Letters of *the like Nature*, and FUNDS SUFFICIENT may be rais'd for the Use and Emolument of yourself and friends, without a Dependence upon a "*military establishment supported* by the Provinces at Castle-William." I am, Sir, with the most profound Respect, and with the sincerest Wishes for your further Exaltation, the most *servile* of all *your* Tools.

A TORY.

VOTE OF THE TOWN OF BOSTON. MAY 5, 1769.

[MS., Boston City Clerk's Office; a text, with variations, is in *Boston Record Commissioners' Report*, vol. xvi, p. 278.]

Voted that The Town before they proceed upon the Business of this Day, do make, & order to be

enterd upon their records, the following Declaration of their Rights & the Freedom of their Elections viz

The Selectmen having acquainted the Town that they had waited on General *Mackay*, Commander of his Majesty's forces quarterd here, to inform him that the Choice of persons to represent the Town in the General Assembly was coming on, & to claim in Behalf of the Town the full Right of British Freeholders & Subjects upon so important an Occasion, founded in the Principles of the British Constitution.

The Selectmen having also acquainted the Town that the General had declared that it was not in his power to march the Troops out of the Town upon this occasion, or any further to comply with this Claim, than by confining the Troops to the Barracks, which he engaged to do.

The Town, tho' they receive this reply as a Concession on the part of the General, in favor of the Justice of their Claim, yet as the measure of confining the troops to their Barracks only, & not removing them out of Town is by no means adequate to the Extent of their right, they cannot proceed to the Election, without declaring their clear & full Sense, that the residence of an armed force in the Town, during an Election of so great Importance, is a gross Infringment of their constitutional Rights; at the same time protesting, that their proceeding to an Election under such a Circumstance, is wholly from necessity, & not to be considered as a precedent at any time hereafter, or construed as a voluntary receeding from the incontestible

rights of British Subjects & freeholders in so interesting an Affair.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR.[1] JUNE 13, 1769.

[*Massachusetts State Papers*, pp. 169–171.]

May it please your Excellency,

The House of Representatives have duly considered your message of the 31st of May,[2] and are sorry to find your Excellency declaring, that you "have no authority over his Majesty's ships in this port, or his troops within this town; and that you can give no orders for the removal of the same."

We clearly hold, that the King's most excellent Majesty, to whom we have, and ever shall bear, and, since the convening of this present Assembly, we have sworn true and faithful allegiance, is the supreme executive power through all the parts of the British empire; and we are humbly of opinion, that, within the limits of this colony and jurisdiction, your Excellency is the King's Lieutenant and Captain General and Commander in Chief, in as full and ample a manner, as is the Lord Lieutenant of Ireland, or any

[1] Attributed to Adams by S. A. Wells: *Samuel Adams and the American Revolution*, vol. i., p. 170. Adams was one of the committee, appointed June 1st, to consider the governor's message of May 31st. The committee, which included Otis, Warren, Hancock, and Hawley, reported on June 2d, but its report was not accepted. The committee reported again on June 6th, and its report was considered on the four following days; after having been amended the report was accepted on June 13th. The answer is printed in the Journal of the House, pp. 18, 19.

[2] *Massachusetts State Papers*, p. 168.

other his Majesty's Lieutenants, in the dominions to the realm of Great Britain appertaining.

From thence, we think, it indubitably follows, that all officers, civil and military, within this colony, are subject to the order, direction and control of your Excellency, so far at least, as is necessary for the safety of the people and the security of the privilege of this House, as they are to the King's Majesty within the realm. And though we admit, that peace and war are in the King's hand, and that it is an indisputable part of the royal prerogative, necessary for the preservation of the Commonwealth, as all other well grounded prerogative powers are—That to destine the fleets, and march the armies of the state to any part of the world, where they may be necessary for the defence and preservation of the society, belongs to the Crown; yet it is impossible to believe, that a military power, or a standing army, procured and stationed here, in consequence of misrepresentations of the duty and loyalty of his Majesty's subjects of the province, and suddenly quartered, not only contrary to act of Parliament, and to every principle of reason, justice and equity, but accompanied with every mark of contempt, reproach and insult, to as brave and loyal a people as ever served a Prince, can be uncontrolable by the Supreme Executive of the province; which, within the limits of the same, is the just and full representative of the Supreme Executive of the whole empire.

It is well known, that it is no uncommon thing for disturbances to happen in populous cities; and such as have unfortunately taken place in this province,

have been greatly misrepresented. We have not only been told of, but all parts of the empire have been alarmed with apprehensions of danger to his Majesty's government, in North America, in general, and this province in particular, by reason of the most exaggerated accounts of certain disturbances, which, however, have, in every instance, been far, very far, from being carried to that atrocious and alarming length to which many have been in Britain, at the very gates of the palace and even in the royal presence.

It is most certain, that every subject has a right to have the rules of his duty, obedience and allegiance, clearly defined and determined. Hence it may be inferred, that very miserable is the servitude of those, who know not whether they are subject to an absolute power, civil or military, or both; as may most effectually prosper the machinations and fulfil the purposes of despotism. It must be obvious to all jurists, and to every man endued with an ordinary understanding, that the doctrine your Excellency has been pleased to advance, in your answer to the message of the House, involves us in that state, which is called, by the learned, *imperium in imperio*, or at least establishes a military power here, uncontrolable by any civil authority in the province.

It has been publicly said, that the military power is become necessary in this colony, to aid and support civil government, for which we have no less authority than the resolutions of the two Houses of Parliament, and the declaration of one of his Majesty's principal Secretaries of State. The use of the military power to enforce the execution of the laws, is, in the opinion

of this House, inconsistent with the spirit of a free constitution, and the very nature of government. Nor can there be any necessity for it; for the body of the people, the *posse comitatus*, will always aid the magistrate in the execution of such laws as ought to be executed. The very supposition of an unwillingness in the people in general, that a law should be executed, carries with it the strongest presumption, that it is an unjust law; at least, that it is unsalutary. It cannot be their law; for, by the nature of a free constitution, the people must consent to laws, before they can be obliged, in conscience, to obey them. In truth, no law, however grievous, has been opposed in the execution of it, in this province; and yet, a military power is sent here, purposely to aid in the execution of the laws. And what adds to the injustice of those who procured this armament, is, that it was procured at the very time when the people were dutifully supplicating the throne for redress of grievances, occasioned by acts of Parliament, for the purpose of raising a revenue in America. We think we can infer, from your Excellency's declaration, that this military force is uncontrolable by any authority in the province. It is, then, a power without any check here; and therefore so far absolute. An absolute power, which has the sword constantly in its hand, may exercise a vigorous severity whenever it pleases. What privilege, what security, is then left to this House, whose very existence, to any purpose, depends upon its privilege and security. Nothing remains in such a state, if no redress can be had from the King's Lieutenant in the province, but that the

oppressed people unite in laying their fervent and humble petition before their gracious Sovereign.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR.[1] JUNE 19, 1769.

[*Massachusetts State Papers*, pp. 172, 173.]

May it please your Excellency,

As you have not thought proper, in your reply[2] to the message of this House, of the 13th instant, to throw any light on the subject, or invalidate the principles we therein advanced, your Excellency will allow us to conclude, that those principles were well grounded, and that there is no reason for us to alter our sentiments on this interesting point.

You are pleased to intimate, that much time and treasure has been spent in determining a merely speculative question. The House regard a standing army, posted within the province, in a time of the most profound peace, and uncontrolable by any authority in it, as a dangerous innovation; and a guard of soldiers, with cannon planted at the doors of the State House, while the General Assembly was there held, as the most pointed insult ever offered to a free people, and its whole Legislative. This, sir, and not the question of your Excellency's authority to remove

[1] Attributed to Adams by W. V. Wells, *Life of Samuel Adams*, vol. i, p. 257. The committee which reported this answer included Adams, Otis, Hancock, and Cushing. The answer was printed in the Journal of the House, pp. 23, 24.

[2] Delivered on June 15th, the last day the General Court met at Boston prior to the adjournment, by the Governor, to Cambridge. *Massachusetts State Papers*, pp. 171, 172.

his Majesty's ships out of the harbor, or his troops out of the town of Boston, was the principal cause of the "non activity of the Assembly." Had your Excellency felt for the Assembly, and the people over whom you preside, even though you had supposed yourself not properly authorized, you would have employed your influence, at least, for the removal of this grievance; especially as his Majesty's Council, as well as this House, had before expressed to your Excellency their just indignation at so unprecedented an affront. But, instead of the least abatement of this military parade, the General Assembly has been made to give way to an armed force, as the only means in your power to remove the difficulty we justly complained of. Your Excellency has ordered a removal of the General Assembly itself, from its ancient seat and place, where the public business has generally been done with the greatest convenience, ease and despatch. It is with pain, that we are obliged here to observe, that the very night after this adjournment was made, the cannon were removed from the Court House, as though it had been designed, that so small a circumstance of regard should not be paid to the Assembly, when convened by the royal authority, and for his Majesty's service in the colony.

You are pleased to pass a censure upon this House, in saying, that "you cannot sit still and see such a waste of time and treasure to no purpose." Those alone are answerable for any expense of time and treasure on this occasion, who have brought us into such a situation, as has hitherto rendered our

proceeding to business incompatible with the dignity, as well as the freedom of this House. No time can better be employed, than in the preservation of the rights derived from the British constitution, and insisting upon points, which, though your Excellency may consider them as non essential, we esteem its best bulwarks. No treasure can be better expended, than in securing that true old English liberty, which gives a relish to every other enjoyment. These, we have the satisfaction to believe, are the sentiments of our constituents, to whom alone we are accountable how we apply their treasure; and we are fully persuaded, from what we have already heard, that, notwithstanding the apparent design of your message to prejudice their minds against us, what your Excellency has been pleased to call our "non activity", will receive their approbation, rather than their censure; for an entire fortnight, spent in silence, or a much longer time, cannot be displeasing to them, when business could not be entered upon, but at the expense of *their* rights and liberties, and the privilege of this House.

PETITION OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE KING.[1] JUNE 27, 1769.

[*Select Letters on the Trade and Government of America; and the Principles of Law and Polity, applied to the American Colonies. Written by Governor Bernard, at Boston, In the Years 1763, 4, 5, 6, 7, and 8.* London, 1774. pp. 89–94.]

The Petition of the House of Representatives of *Massachuset's-Bay* To The King's Most Excellent Majesty.

Most Gracious Sovereign,

We your Majesty's most dutiful and faithful subjects the Representatives of your ancient and loyal Colony of the *Massachuset's-Bay;* impressed with the deepest gratitude to ALMIGHTY GOD, for calling to the *British* Succession your illustrious Family; and so firmly establishing your Majesty on the throne of your Royal Progenitors; and being abundantly convinced of your Majesty's grace and clemency; most humbly implore the Royal favor, while we briefly represent our grievances, which your Majesty alone under GOD can redress.

We are constrained in duty to your Majesty, and in faithfulness to our Constituents, to lay before your Majesty our complaints of his Excellency Sir *Francis Bernard*, Baronet, your Majesty's Governor of this Colony, whose whole Administration appears to have

[1] Adams was a member of the committee on the state of the province, appointed June 19, 1769, which reported on June 21st, and again on June 27th, when the report was unanimously accepted, ninety-five members being present. The petition is printed in the Journal of the House, pp. 85–87. The authorship is not exactly determined. Adams was also one of the committee, appointed July 8th, to prepare evidence in support of the petition. As to the result, see below, page 354.

been repugnant not only to your Majesty's service, and the welfare of your subjects in the Colony, but even to the first principles of the *British* Constitution.

1. From his first arrival here, he has in his Speeches and other public Acts treated the Representative body with contempt.

2. He has in his public Speeches charged both Houses of the General Assembly expressly with oppugnation against the Royal Authority; declaring that they had left Gentlemen out of the Council only for their fidelity to the Crown.

3. He has from time to time indiscreetly and wantonly exercised the prerogative of the Crown, in the repeated negative of Councellors of an unblemished reputation, and duly elected by a great majority; some of them by the unanimous suffrage of both Houses of Assembly.

4. He has declared that certain seats at the Council board shall be kept vacant, 'till certain Gentlemen, who are his favourites, shall be re-elected.

5. He has unconstitutionally interfered with and unduly influenced elections, particularly in the choice of an Agent for the Colony.

6. He has very abruptly displaced divers Gentlemen of worth, for no apparent reason, but because they voted in the General Assembly with freedom and against his measures.

7. He has in an unwarrantable manner taken upon himself the exercise of your Majesty's Royal Prerogative, in granting a charter for a College; contrary to an express vote of the House of Representatives,

and without even asking the advice of your Majesty's Council.

8. He has practiced sending over depositions to the Ministry, privately taken against Gentlemen of character here, without giving the persons accused the least notice of his purposes and proceedings.

9. He has very injuriously represented your Majesty's loving subjects of this Colony, in general, as having an ill temper prevailing amongst them; as disaffected to your Majesty's Government, and intending to bring the authority of Parliament into contempt. And, by such false representations, he has been greatly instrumental, as this House humbly conceive, in exciting jealousies, and disturbing that harmony and mutual affection which before happily subsisted, and we pray GOD may again subsist, between you Majesty's subjects in *Great Britain* and *America.*

10. He has, in his letters to one of your Majesty's Ministers, unjustly charged the majority of your Majesty's faithful Council in the Colony with having avowed the principles of opposition to the authority of Parliament, and acted in concert with a party from whence such opposition originated.

11. He has also, in his letter to another of your Majesty's Ministers falsely declared that a plan was laid, and a number of men actually inrolled in the town of *Boston*, to seize your Majesty's Castle *William*, in the harbour of the same, out of your Majesty's hands.

12. Such Representations of the state and circumstances of this Colony, from a Gentleman of the

highest trust in it, will of necessity be received with full credit, till they are made to appear false. And in consequence, thereof, your Majesty's true and loyal subjects have suffered the reproach as well as other hardships of having a military force stationed here, to support your Majesty's authority, and the execution of the laws; which measure has been approved of by your Majesty's two Houses of Parliament, as appears in their resolutions, That the town of *Boston* has been in a state of disorder and confusion; and that the circumstances of the Colony were such as required a military force for the purposes abovementioned.

13. Having been a principal instrument, as we apprehend, in procuring this military force, your Majesty's said Governor, in an unprecedented manner, and as though he had designed to irritate to the highest degree, ordered the very room which is appropriated for the meeting of the Representatives of the General Assembly, which was never used for any other purpose, and where their Records are kept, to be employed as a barrack for the common soldiers; and the centinels were so posted, as that your Majesty's Council, and the Justices of the court of common law, were daily interrupted, and even challenged, in their proceeding to the business of their several departments.

14. He endeavored, contrary to the express design of an Act of Parliament, to quarter your Majesty's troops in the body of the town of *Boston*, while the barracks, provided by the Government at the Castle, within the Town, remained useless; and, for purposes manifestly evasive of the said Act, he unwar-

rantably appointed an officer to provide quarters for the troops, otherwise than is therein prescribed.

15. After having dissolved the General Assembly at a most critical season, and while they were employed in the most necessary and important business, he arbitrarily refused to call another for the space of ten months, and until the time appointed in the Royal Charter for the calling a General Assembly, against the repeated and dutiful petitions of the people.

16. It appears by his letters to the Earl of *Hillsborough*, your Majesty's Secretary of State, that he has endeavoured to overthrow the present constitution of Government in this Colony, and to have the people deprived of their invaluable Charter Rights, which they and their ancestors have happily enjoyed under your Majesty's administration, and those of your Royal Predecessors.

17. By the means aforesaid, and many other that might be enumerated, he has rendered his Administration odious to the whole body of the people, and has entirely alienated their affections from him, and thereby wholly destroyed that confidence in a Governor, which your Majesty's service indispensably requires.

Wherefore we most humbly intreat your Majesty, that his Excellency Sir *Francis Bernard* Baronet, may be for ever removed from the Government of this Province: and that your Majesty would be graciously pleased to place one in his stead, worthy to serve the greatest and best Monarch on earth.

And the Representatives of the Colony of *Massachuset's Bay*, as in duty bound, shall ever pray.

In their name, and by their order, signed

THOMAS CUSHING, Speaker.

ANSWER OF GOVERNOR BERNARD TO THE PETITION OF THE HOUSE OF REPRESENTATIVES TO THE KING.

[*Select Letters on the Trade and Government of America*, pp. 95–115.]

The Answer of Sir Francis Bernard, Bart. Governor of his Majesty's Province of Massachuset's Bay, To The Complaint preferred against him by the House of Representatives of the said Province, now depending before his Majesty in Council.[1]

THIS Respondent protesting against the uncertainty, generality, irrelevancy, and insufficiency of the said complaint, and against his being required to make any unnecessary, superfluous, or impracticable proofs; particularly proofs of the negative of such assertions in the said complaint as are not supported by any evidence, and by their generality and want of particular allegations are incapable of negative proofs; and also protesting against the unfair practices used by the complainants, or at least by the Speaker and Clerk of the said House, to deprive him of the benefit of such evidence, both written and verbal, as was to

[1] The matter was finally brought on for hearing before a committee of the Privy Council on February 28, 1770, when the Governor and counsel attended with evidence to support the allegations of the answer. The agent offered no proof in support of the complaint, and asked an adjournment for seven months, which the committee refused to grant, and determined that "the several charges . . . are groundless, vexatious, and scandalous, and that the said petition ought to be dismissed." The report of the committee was approved by the King in Council, March 14, 1770. *Select Letters*, pp. 124–130. *Cf.* T. Hutchinson, *History of the Province of Massachusetts*, vol. iii., pp. 246, 247.

be had only at *Boston*, by refusing to give him a copy of the said complaint, from the 27th day of *June*, 1769, when the said complaint passed the house, unto the 27th day of *July*, being but three days before the day fixed for his departure to *England*, although he frequently applied to the Speaker of the House for such a copy, of the truth of which he is ready to make oath: to the complaint, or to such part thereof as is material for him to answer to, answereth as followeth:

And, first, the Respondent begs leave to observe of the complaint, that it had its origination in a resentment against the Respondent, for his being charged with certain orders of his Majesty relating to the House of Representatives, and his declaring his intention to obey such orders. This will appear from the Journals of the House of Representatives, where it will be seen, that on *June* 21st, 1768, the Respondent sent a message,[1] inclosing an extract of a letter from the Secretary of State to him the Respondent, signifying his Majesty's pleasure, That he should require the House to rescind a resolution of a former House, and declare their disapprobation of the same. On *June* 23d,[2] the House desired the Respondent would give them a copy of the other part of the Secretary of State's letter. On *June* 24th,[3] the Respondent sent a copy of the other part of the letter, by which he was ordered, in case of refusal, to dissolve the Assembly ; and said, that, if they obliged him to it, he must obey his orders. On *June* 30th, the House passed a vote, that they would not rescind, &c. and passed an answer to the Respondent[4] to that purpose ; immediately after which, they appointed a committee[5] to prepare a petition to the king to remove the governor. The petition being ready prepared, was immediately reported and read ; and upon debate, it being objected that there was no proof of the facts alledged, the petition was re-committed, and the committee was ordered to bring evidence in support of divers articles. Thus it rested until a new assembly met in *May*, 1769, when this

[1] *Massachusetts State Papers*, pp. 145, 146.

[2] *Ibid.*, p. 146. [3] *Ibid.*, pp. 146, 147. [4] See above, page 229.

[5] This committee consisted of Samuel Adams, James Otis of Boston, Col. James Otis of Barnstable, Bowers, and Hancock. The text as first reported is in Journal of the House, pp. 95, 96.

complaint was revived, with some little alteration, and some additional articles arising from new facts; and notwithstanding it had been before rejected for want of proof, it was now admitted without any proof, and passed the House the 27th day of *June*, 1769. It has been since circulated throughout *America* and *Great Britain*, in news-papers, magazines and pamphlets; it has been commented upon, and argued from, as true, in different papers; and the Respondent has been called upon, by anonymous writers, to answer this complaint before the public, whilst he was endeavouring to obtain a hearing of it before the King in Council, and the agent for the Complainants was doing all he could to prevent it, under a pretence of waiting for proofs.

1. And the Respondent, further answering, saith, That the first article is notoriously untrue, it being well known to all who are acquainted with the government of *Massachuset's Bay*, that from the time of the present governor's (the Respondent's) entering upon that government, which was in *August*, 1760, until the opposition made to the stamp-act, which began in the year 1765, a very good understanding and agreement of sentiments and actions between the governor and the assembly, in both its branches, continually prevailed; of which the Journals of the House afford many pregnant proofs. But, after the opposition to the Parliament was adopted by the House of Representatives, it became impossible for the Respondent, or any governor, to do his duty and preserve his popularity.

2. The Respondent admits, that he did declare that the General Assembly left gentlemen out of the Council only for their fidelity to the Crown; and if this is to be deemed oppugnation against the royal authority, he admits this article to be true. And to justify such declaration he observes, that, upon the election of counsellors in *May* 1766 (which was about a month after they had received advice of the repeal of the stamp-act), the majority of the General Assembly turned out the lieutenant governor (who was also chief justice of the province), the secretary, two other judges of the superior court, and the attorney general, all of them men of irreproachable characters, and high estimation among the people.[1] There was no accounting for the

[1] See above, page 101.

depriving the government of the service of men of such high offices, and known abilities and integrity, but from an intention to lower the King's authority in the government, and reduce the royalty of it to a mere form, and vest all the real power in the people. That this was and is still the intention, has been since made plain by further proceedings in subsequent elections, in which every counsellor who has been known, believed, or even suspected to be disposed to support the authority of the King and Parliament of *Great Britain*, or the royal rights of the provincial government, has been turned out of the Council. The Respondent begs leave to refer to a list of counsellors who have been thus turned out at the four last elections, which, by an inquiry into the character of the persons from those who are acquainted with the province, will fully prove the assertions above mentioned.

3. The Respondent admits, that, since the exclusion of the lieutenant governor, secretary, judges, and attorney general, from the council, he has repeatedly used the right given to the governor by the charter, of negativing persons elected for counsellors, and returned to him for his approbation; but he denies that he has acted therein indiscreetly or wantonly, or upon any other motive than that of promoting the King's service.[1] He has, from time to time, signified to his Majesty's Ministers the principles upon which he formed his conduct in this respect, and has had the honor to have such conduct approved of by his Majesty, as was signified to him by the Earl of *Shelburne*, at that time one of his Majesty's principal secretaries of state, by his letter dated *Sept.* 17, 1767, which was after the second time of his exercising his negative;[2] from which letter he begs leave to insert the following words:

"I have the pleasure to signify to you his Majesty's approbation of your conduct, and to acquaint you, that he is graciously

[1] After the last election during his administration, Governor Bernard, on June 1, 1769, disapproved eleven of those chosen to the Council by the General Court.

[2] At the election of 1767, Governor Bernard disapproved six of those elected to the Council; all were again chosen, and five of them were a second time disapproved by the Governor.

pleased to approve of your having exerted the power lodged in you by the constitution of the province of *Massachuset's Bay*, of negativing counsellors in the late elections, which appears from your several letters to have been done with due deliberation and judgement."

4. The Respondent denies this article to be true, so far as it relates to the inforcing the re-election of his favorites; for he has no favorites in respect to the government, but such as have recommended themselves by fidelity to the King, and ability to serve him. In this light the lieutenant governor and the secretary may be considered as his favorites; and if such declaration was made, it was in favor of them and them only: and he believes he did make such declaration upon the following account. Upon the exclusion of these two gentlemen from the Council (of which they had been members for many years, and by their particular functions, as well as their knowledge of the public business, were become almost necessary to that body) upon inquiry into the constitution of the present government, it appeared from the usage under the former charter, from considerations previous to the granting the present charter, from the words of the charter itself, and from the practice of first year after the opening the charter, that the lieutenant governor and the secretary had a right to seats and voices in the Council in virtue of their offices, and without being elected thereto, and did actually enjoy such right for one year as aforesaid. But upon the election of a new Council at the end of the first year, the assembly elected the lieutenant governor and the secretary among the twenty-eight elective councellors, instead of permitting them to be superadded to the elective counsellors, as was designed by the charter, and practised the year before. The lieutenant governor and secretary acquiescing in this, probably from their unwillingness to dispute with the assembly, upon whom they were dependent, submitted to take their seats as elected counsellors, instead of official members of the Council. And this method prevailing ever after, the King has, by these means, been deprived of the service of his lieutenant governor and secretary, the nomination of whom he had reserved to himself, in his council, where it appears to have been intended they should have seats in virtue of

their offices. And great detriment has arose to his Majesty's government by their being excluded the Council at particular times, when they have been most wanted, as for late years has been very observable. The Respondent therefore having discovered this usurpation, and finding it too much confirmed by time, for him of himself to undertake to restore the lieutenant governor and secretary to their rights, did transmit an account of it to the King's Ministers, and did mention the same to the Council of the Province, or some of them ; at the same time declaring, that as the lieutenant governor and secretary had an inherent right from their offices to seats in the council, though they had usually been reckoned among the twenty-eight elected, he should not suffer their seats among the twenty-eight to be filled up by other persons till they were restored to their official seats without the twenty-eight. This he did, in order to leave it open to the assembly to restore them to their seats in the usual way at any time when they should see the impropriety of their being excluded.

5. The Respondent says, That he believes there never was a governor that less interfered with elections than he has done ; so that he knows not what to refer this charge to, unless it is his recommending a provincial agent in the year 1765. This he did, and certainly had a right to do, as the provincial agent is the agent of the whole general court, of which the governor is a part, and must be consented to and commissioned by the governor before his appointment is complete. The gentleman he recommended was accordingly chosen, and served the province for two years, and was the most able and respectable agent that the province ever had.

6. The governor of *Massachuset's Bay* has no power to displace civil officers, without the consent of the Council; and hence it is, that many persons hold their offices in that province, who ought to have been displaced long ago. He has indeed a free power over military officers ; but has made very little use of it, except in superseding some few commissions of persons who professed and abetted such principles as made them very unfit to have military commands under the King.

7. The Respondent never had any doubt but that he had a

right to grant charters of incorporation under the King's seal, of which he is the keeper, as is practised by all other royal governors in *America*. And he did once, some years ago, order a charter to be made out for establishing a collegiate school in the extreme parts of the province, upon the petition of divers respectable persons inhabitants of the said parts, who were ready to endow the said school. But understanding that the proposed charter gave umbrage to the college at *Cambridge* near *Boston*, he, upon that account only, and not out of any doubt of his power to grant such a charter, or the reasonableness and propriety of the charter prayed for, put a stop to the same being issued; and this is the only charter that was ever agitated before him since he has been governor of that province.

8. The Respondent knows not what depositions are here referred to, except it may be those which it may be supposed he has transmitted to his Majesty's Ministers, in obedience to his Majesty's commands, signified to him for that purpose. And he is sorry to say, that he has not done so much in that respect as may have been expected of him: for when he received such commands, he found the intimidation which the faction by their former outrages had raised in *Boston* so great and universal, that there was a general unwillingness in people of all kinds to give a formal testimony against any of the factious party, even of facts which they made no scruple to declare their knowledge of in the course of common conversation. And therefore, having no power to oblige people to give testimony, and finding it impracticable to procure voluntary evidence, he could not execute the King's commands with that punctuality with which he has always been desirous to distinguish himself in all acts of duty.

And here it may be proper to observe, that the preceding article, and all the following articles, are charges against him for doing acts which were dictated to him either by the duty of his office, or by his Majesty's instructions given under his sign manual, or by his special commands signified by his secretary of state. And in all cases, where the Respondent is charged with acts which were known to be done in obedience to his Majesty's instructions, or his special orders, he cannot consider himself to be chargeable with such acts; but such charge must be under-

stood to be, and to be intended to be, directed immediately against his Majesty's administration. Under this rule he will proceed to consider the following articles.

9. It is the duty of a governor to report to his Majesty all transactions by which the honour of his crown, the authority of his government, and the welfare of the province may be affected. The Respondent has not only had this duty prescribed to him by his general instructions, but has been often reminded of it in the letters of his Majesty's secretaries of state. In doing this, he has shewn a disposition the very contrary to that of misrepresenting his Majesty's loving subjects of the Colony in general, and has endeavoured to apologize for them where he could do it, by drawing a line between the few who have been authors of the present troubles, and their deluded followers, and distinguishing between the wickedness of the one, and the credulity and intimidation of the other. He has always had a most earnest desire to remove jealousies, and restore that harmony and mutual affection which ought to subsist between *Great Britain* and *America*. He used all the means in his power to prevent a breach of a good understanding between the two countries; and for that purpose, when the stamp-act was first agitated, notwithstanding he had reason to believe that the Bill was strongly adopted by the Ministry, he wrote a letter to the Secretary of State, urging many reasons which occurred to him, against its passing into a law, with a freedom which nothing but a consciousness of his integrity, a sense of his duty to both countries, and a desire to prevent any uneasiness between them, could have supported. Afterwards, when the repealing the act was in contemplation, he gave his testimony for the repeal, both in his public and his private letters. He has been always ready to join with the Assembly in any measures for reconciling the two countries, which were consistent with his duty. But of late he has seen no opening for it; for, by the convulsions which happened upon account of the stamp-act, and their consequences, the management of the public affairs of the Province has got into the hands of a party whose principles and practices are the very reverse of those of conciliation.

10. The Respondent's report of the proceedings of the

highest trust in it, will of necessity be received with full credit, till they are made to appear false. And in consequence, thereof, your Majesty's true and loyal subjects have suffered the reproach as well as other hardships of having a military force stationed here, to support your Majesty's authority, and the execution of the laws; which measure has been approved of by your Majesty's two Houses of Parliament, as appears in their resolutions, That the town of *Boston* has been in a state of disorder and confusion; and that the circumstances of the Colony were such as required a military force for the purposes abovementioned.

13. Having been a principal instrument, as we apprehend, in procuring this military force, your Majesty's said Governor, in an unprecedented manner, and as though he had designed to irritate to the highest degree, ordered the very room which is appropriated for the meeting of the Representatives of the General Assembly, which was never used for any other purpose, and where their Records are kept, to be employed as a barrack for the common soldiers; and the centinels were so posted, as that your Majesty's Council, and the Justices of the court of common law, were daily interrupted, and even challenged, in their proceeding to the business of their several departments.

14. He endeavored, contrary to the express design of an Act of Parliament, to quarter your Majesty's troops in the body of the town of *Boston*, while the barracks, provided by the Government at the Castle, within the Town, remained useless; and, for purposes manifestly evasive of the said Act, he unwar-

rantably appointed an officer to provide quarters for the troops, otherwise than is therein prescribed.

15. After having dissolved the General Assembly at a most critical season, and while they were employed in the most necessary and important business, he arbitrarily refused to call another for the space of ten months, and until the time appointed in the Royal Charter for the calling a General Assembly, against the repeated and dutiful petitions of the people.

16. It appears by his letters to the Earl of *Hillsborough*, your Majesty's Secretary of State, that he has endeavoured to overthrow the present constitution of Government in this Colony, and to have the people deprived of their invaluable Charter Rights, which they and their ancestors have happily enjoyed under your Majesty's administration, and those of your Royal Predecessors.

17. By the means aforesaid, and many other that might be enumerated, he has rendered his Administration odious to the whole body of the people, and has entirely alienated their affections from him, and thereby wholly destroyed that confidence in a Governor, which your Majesty's service indispensably requires.

Wherefore we most humbly intreat your Majesty, that his Excellency Sir *Francis Bernard* Baronet, may be for ever removed from the Government of this Province: and that your Majesty would be graciously pleased to place one in his stead, worthy to serve the greatest and best Monarch on earth.

And the Representatives of the Colony of *Massachuset's Bay*, as in duty bound, shall ever pray.

In their name, and by their order, signed

THOMAS CUSHING, Speaker.

ANSWER OF GOVERNOR BERNARD TO THE PETITION OF THE HOUSE OF REPRESENTATIVES TO THE KING.

[*Select Letters on the Trade and Government of America*, pp. 95–115.]

The Answer of Sir Francis Bernard, Bart. Governor of his Majesty's Province of Massachuset's Bay, To The Complaint preferred against him by the House of Representatives of the said Province, now depending before his Majesty in Council.[1]

THIS Respondent protesting against the uncertainty, generality, irrelevancy, and insufficiency of the said complaint, and against his being required to make any unnecessary, superfluous, or impracticable proofs; particularly proofs of the negative of such assertions in the said complaint as are not supported by any evidence, and by their generality and want of particular allegations are incapable of negative proofs; and also protesting against the unfair practices used by the complainants, or at least by the Speaker and Clerk of the said House, to deprive him of the benefit of such evidence, both written and verbal, as was to

[1] The matter was finally brought on for hearing before a committee of the Privy Council on February 28, 1770, when the Governor and counsel attended with evidence to support the allegations of the answer. The agent offered no proof in support of the complaint, and asked an adjournment for seven months, which the committee refused to grant, and determined that "the several charges . . . are groundless, vexatious, and scandalous, and that the said petition ought to be dismissed." The report of the committee was approved by the King in Council, March 14, 1770. *Select Letters*, pp. 124–130. *Cf.* T. Hutchinson, *History of the Province of Massachusetts*, vol. iii., pp. 246, 247.

be had only at *Boston*, by refusing to give him a copy of the said complaint, from the 27th day of *June*, 1769, when the said complaint passed the house, unto the 27th day of *July*, being but three days before the day fixed for his departure to *England*, although he frequently applied to the Speaker of the House for such a copy, of the truth of which he is ready to make oath: to the complaint, or to such part thereof as is material for him to answer to, answereth as followeth:

And, first, the Respondent begs leave to observe of the complaint, that it had its origination in a resentment against the Respondent, for his being charged with certain orders of his Majesty relating to the House of Representatives, and his declaring his intention to obey such orders. This will appear from the Journals of the House of Representatives, where it will be seen, that on *June* 21st, 1768, the Respondent sent a message,[1] inclosing an extract of a letter from the Secretary of State to him the Respondent, signifying his Majesty's pleasure, That he should require the House to rescind a resolution of a former House, and declare their disapprobation of the same. On *June* 23d,[2] the House desired the Respondent would give them a copy of the other part of the Secretary of State's letter. On *June* 24th,[3] the Respondent sent a copy of the other part of the letter, by which he was ordered, in case of refusal, to dissolve the Assembly ; and said, that, if they obliged him to it, he must obey his orders. On *June* 30th, the House passed a vote, that they would not rescind, &c. and passed an answer to the Respondent[4] to that purpose ; immediately after which, they appointed a committee[5] to prepare a petition to the king to remove the governor. The petition being ready prepared, was immediately reported and read ; and upon debate, it being objected that there was no proof of the facts alledged, the petition was re-committed, and the committee was ordered to bring evidence in support of divers articles. Thus it rested until a new assembly met in *May*, 1769, when this

[1] *Massachusetts State Papers*, pp. 145, 146.

[2] *Ibid.*, p. 146. [3] *Ibid.*, pp. 146, 147. [4] See above, page 229.

[5] This committee consisted of Samuel Adams, James Otis of Boston, Col. James Otis of Barnstable, Bowers, and Hancock. The text as first reported is in Journal of the House, pp. 95, 96.

complaint was revived, with some little alteration, and some additional articles arising from new facts; and notwithstanding it had been before rejected for want of proof, it was now admitted without any proof, and passed the House the 27th day of *June*, 1769. It has been since circulated throughout *America* and *Great Britain*, in news-papers, magazines and pamphlets; it has been commented upon, and argued from, as true, in different papers; and the Respondent has been called upon, by anonymous writers, to answer this complaint before the public, whilst he was endeavouring to obtain a hearing of it before the King in Council, and the agent for the Complainants was doing all he could to prevent it, under a pretence of waiting for proofs.

1. And the Respondent, further answering, saith, That the first article is notoriously untrue, it being well known to all who are acquainted with the government of *Massachuset's Bay*, that from the time of the present governor's (the Respondent's) entering upon that government, which was in *August*, 1760, until the opposition made to the stamp-act, which began in the year 1765, a very good understanding and agreement of sentiments and actions between the governor and the assembly, in both its branches, continually prevailed; of which the Journals of the House afford many pregnant proofs. But, after the opposition to the Parliament was adopted by the House of Representatives, it became impossible for the Respondent, or any governor, to do his duty and preserve his popularity.

2. The Respondent admits, that he did declare that the General Assembly left gentlemen out of the Council only for their fidelity to the Crown; and if this is to be deemed oppugnation against the royal authority, he admits this article to be true. And to justify such declaration he observes, that, upon the election of counsellors in *May* 1766 (which was about a month after they had received advice of the repeal of the stamp-act), the majority of the General Assembly turned out the lieutenant governor (who was also chief justice of the province), the secretary, two other judges of the superior court, and the attorney general, all of them men of irreproachable characters, and high estimation among the people.[1] There was no accounting for the

[1] See above, page 101.

depriving the government of the service of men of such high offices, and known abilities and integrity, but from an intention to lower the King's authority in the government, and reduce the royalty of it to a mere form, and vest all the real power in the people. That this was and is still the intention, has been since made plain by further proceedings in subsequent elections, in which every counsellor who has been known, believed, or even suspected to be disposed to support the authority of the King and Parliament of *Great Britain*, or the royal rights of the provincial government, has been turned out of the Council. The Respondent begs leave to refer to a list of counsellors who have been thus turned out at the four last elections, which, by an inquiry into the character of the persons from those who are acquainted with the province, will fully prove the assertions above mentioned.

3. The Respondent admits, that, since the exclusion of the lieutenant governor, secretary, judges, and attorney general, from the council, he has repeatedly used the right given to the governor by the charter, of negativing persons elected for counsellors, and returned to him for his approbation; but he denies that he has acted therein indiscreetly or wantonly, or upon any other motive than that of promoting the King's service.[1] He has, from time to time, signified to his Majesty's Ministers the principles upon which he formed his conduct in this respect, and has had the honor to have such conduct approved of by his Majesty, as was signified to him by the Earl of *Shelburne*, at that time one of his Majesty's principal secretaries of state, by his letter dated *Sept.* 17, 1767, which was after the second time of his exercising his negative;[2] from which letter he begs leave to insert the following words:

"I have the pleasure to signify to you his Majesty's approbation of your conduct, and to acquaint you, that he is graciously

[1] After the last election during his administration, Governor Bernard, on June 1, 1769, disapproved eleven of those chosen to the Council by the General Court.

[2] At the election of 1767, Governor Bernard disapproved six of those elected to the Council; all were again chosen, and five of them were a second time disapproved by the Governor.

pleased to approve of your having exerted the power lodged in you by the constitution of the province of *Massachuset's Bay*, of negativing counsellors in the late elections, which appears from your several letters to have been done with due deliberation and judgement."

4. The Respondent denies this article to be true, so far as it relates to the inforcing the re-election of his favorites; for he has no favorites in respect to the government, but such as have recommended themselves by fidelity to the King, and ability to serve him. In this light the lieutenant governor and the secretary may be considered as his favorites; and if such declaration was made, it was in favor of them and them only: and he believes he did make such declaration upon the following account. Upon the exclusion of these two gentlemen from the Council (of which they had been members for many years, and by their particular functions, as well as their knowledge of the public business, were become almost necessary to that body) upon inquiry into the constitution of the present government, it appeared from the usage under the former charter, from considerations previous to the granting the present charter, from the words of the charter itself, and from the practice of first year after the opening the charter, that the lieutenant governor and the secretary had a right to seats and voices in the Council in virtue of their offices, and without being elected thereto, and did actually enjoy such right for one year as aforesaid. But upon the election of a new Council at the end of the first year, the assembly elected the lieutenant governor and the secretary among the twenty-eight elective councellors, instead of permitting them to be superadded to the elective counsellors, as was designed by the charter, and practised the year before. The lieutenant governor and secretary acquiescing in this, probably from their unwillingness to dispute with the assembly, upon whom they were dependent, submitted to take their seats as elected counsellors, instead of official members of the Council. And this method prevailing ever after, the King has, by these means, been deprived of the service of his lieutenant governor and secretary, the nomination of whom he had reserved to himself, in his council, where it appears to have been intended they should have seats in virtue of

their offices. And great detriment has arose to his Majesty's government by their being excluded the Council at particular times, when they have been most wanted, as for late years has been very observable. The Respondent therefore having discovered this usurpation, and finding it too much confirmed by time, for him of himself to undertake to restore the lieutenant governor and secretary to their rights, did transmit an account of it to the King's Ministers, and did mention the same to the Council of the Province, or some of them ; at the same time declaring, that as the lieutenant governor and secretary had an inherent right from their offices to seats in the council, though they had usually been reckoned among the twenty-eight elected, he should not suffer their seats among the twenty-eight to be filled up by other persons till they were restored to their official seats without the twenty-eight. This he did, in order to leave it open to the assembly to restore them to their seats in the usual way at any time when they should see the impropriety of their being excluded.

5. The Respondent says, That he believes there never was a governor that less interfered with elections than he has done ; so that he knows not what to refer this charge to, unless it is his recommending a provincial agent in the year 1765. This he did, and certainly had a right to do, as the provincial agent is the agent of the whole general court, of which the governor is a part, and must be consented to and commissioned by the governor before his appointment is complete. The gentleman he recommended was accordingly chosen, and served the province for two years, and was the most able and respectable agent that the province ever had.

6. The governor of *Massachuset's Bay* has no power to displace civil officers, without the consent of the Council; and hence it is, that many persons hold their offices in that province, who ought to have been displaced long ago. He has indeed a free power over military officers ; but has made very little use of it, except in superseding some few commissions of persons who professed and abetted such principles as made them very unfit to have military commands under the King.

7. The Respondent never had any doubt but that he had a

right to grant charters of incorporation under the King's seal, of which he is the keeper, as is practised by all other royal governors in *America*. And he did once, some years ago, order a charter to be made out for establishing a collegiate school in the extreme parts of the province, upon the petition of divers respectable persons inhabitants of the said parts, who were ready to endow the said school. But understanding that the proposed charter gave umbrage to the college at *Cambridge* near *Boston*, he, upon that account only, and not out of any doubt of his power to grant such a charter, or the reasonableness and propriety of the charter prayed for, put a stop to the same being issued; and this is the only charter that was ever agitated before him since he has been governor of that province.

8. The Respondent knows not what depositions are here referred to, except it may be those which it may be supposed he has transmitted to his Majesty's Ministers, in obedience to his Majesty's commands, signified to him for that purpose. And he is sorry to say, that he has not done so much in that respect as may have been expected of him: for when he received such commands, he found the intimidation which the faction by their former outrages had raised in *Boston* so great and universal, that there was a general unwillingness in people of all kinds to give a formal testimony against any of the factious party, even of facts which they made no scruple to declare their knowledge of in the course of common conversation. And therefore, having no power to oblige people to give testimony, and finding it impracticable to procure voluntary evidence, he could not execute the King's commands with that punctuality with which he has always been desirous to distinguish himself in all acts of duty.

And here it may be proper to observe, that the preceding article, and all the following articles, are charges against him for doing acts which were dictated to him either by the duty of his office, or by his Majesty's instructions given under his sign manual, or by his special commands signified by his secretary of state. And in all cases, where the Respondent is charged with acts which were known to be done in obedience to his Majesty's instructions, or his special orders, he cannot consider himself to be chargeable with such acts; but such charge must be under-

stood to be, and to be intended to be, directed immediately against his Majesty's administration. Under this rule he will proceed to consider the following articles.

9. It is the duty of a governor to report to his Majesty all transactions by which the honour of his crown, the authority of his government, and the welfare of the province may be affected. The Respondent has not only had this duty prescribed to him by his general instructions, but has been often reminded of it in the letters of his Majesty's secretaries of state. In doing this, he has shewn a disposition the very contrary to that of misrepresenting his Majesty's loving subjects of the Colony in general, and has endeavoured to apologize for them where he could do it, by drawing a line between the few who have been authors of the present troubles, and their deluded followers, and distinguishing between the wickedness of the one, and the credulity and intimidation of the other. He has always had a most earnest desire to remove jealousies, and restore that harmony and mutual affection which ought to subsist between *Great Britain* and *America*. He used all the means in his power to prevent a breach of a good understanding between the two countries; and for that purpose, when the stamp-act was first agitated, notwithstanding he had reason to believe that the Bill was strongly adopted by the Ministry, he wrote a letter to the Secretary of State, urging many reasons which occurred to him, against its passing into a law, with a freedom which nothing but a consciousness of his integrity, a sense of his duty to both countries, and a desire to prevent any uneasiness between them, could have supported. Afterwards, when the repealing the act was in contemplation, he gave his testimony for the repeal, both in his public and his private letters. He has been always ready to join with the Assembly in any measures for reconciling the two countries, which were consistent with his duty. But of late he has seen no opening for it; for, by the convulsions which happened upon account of the stamp-act, and their consequences, the management of the public affairs of the Province has got into the hands of a party whose principles and practices are the very reverse of those of conciliation.

10. The Respondent's report of the proceedings of the

Council, from whence their opposition to the authority of Parliament has been inferred, was fully supported by authentic papers. And though it has been since made a subject of argument, yet not one material fact, alledged by him, has been positively denied.

11. The account of a design to seize *Castle William* is expressly mentioned, not to be related as a certain fact, but only as reported and believed. Under such circumstances, it would have been an inexcusable neglect of duty in the Respondent, not to have informed the Secretary of State of a credited report of so interesting a nature. But, as he had no positive proof of the fact, he did not accuse any person by name. The truth is, he had intelligence, which he could not make a public use of, sufficient to induce him to believe that report then, and has since had occasion to confirm himself in such belief; but he has not been able to obtain positive proof of the fact, for the reasons given in his answer to the eighth Article.

12. This is one of those Articles beforementioned, which passes by the Respondent, and attacks the Administration and the two Houses of Parliament; charging the first with ordering troops to be stationed at *Boston*, and the two last with passing resolutions without sufficient grounds to justify such proceedings. Whereas it is notorious, that the sending troops to *Boston*, and the resolutions of the two Houses of Parliament, were founded upon undoubted and indisputable facts, supported by a variety of evidence, drawn for the most part from authentic papers, and in no way depending upon meer sayings and opinions of the Respondent.

13. The preamble of this Article, whereby the Respondent is charged with being a principal instrument in procuring the military force which was sent to *Boston*, has since been falsified by the party publishing the Respondent's letters, from some of which it appears, that he absolutely refused to apply for troops, unless the Council would join with him in it; which they refusing to do, he never applied for troops. As for the charge itself, the fact was this: Having received his Majesty's orders to take every necessary step for the accommodation of his troops at *Boston*, he applied to the Council, to the Select-men of the

town, and to all the Justices in the town, whom he called together for that purpose, being all the persons that could be pointed out by Act of Parliament for quartering soldiers, severally and separately desiring them to provide quarters for the soldiers. This they all refused to do; so that when the Commanding Officer found himself obliged to land two regiments at *Boston*, there were no quarters for them. Whereupon the Commanding Officer applying to the Respondent to provide a covering for one of the regiments, who had no camp-equipage with them, until they could hire buildings at the King's expence to make barracks of; the Respondent assigned to them several rooms in the town-house, which were not then in use, among which was the Representatives chamber; and there the regiment remained, without any inconvenience to the public, or any persons whatsoever, until barracks were provided for them. What enhances the falsity and virulence of this charge is, that the party who has preferred it, knew that the Respondent acted in this business under the King's special orders, and that his Majesty has since been pleased to signify his full approbation of his conduct, under the difficulties that were continually thrown in his way. And yet they have had the boldness, in this indirect manner, to arraign his Majesty's Administration for issuing orders, with which the Respondent had nothing to do but to obey.

14. This Article is of the same complexion with the preceding, but much more false and prevaricating. The fact upon which it is founded is this: The King ordered two regiments, to be sent from *Ireland*, to be landed at *Boston*; and also ordered two other regiments to be sent from *Halifax* to *Boston*. The two regiments from *Halifax* arrived first; and the Commanding Officer, signifying to the Respondent that he had orders to station both those regiments at *Boston*, demanded quarters. The Respondent consulted the Council, and by their advice applied to the Selectmen of the town, and then to the Justices of the Peace, and last of all to the Council themselves: but they all refused to assign any quarters to the two regiments, under different pretences; the principal of which was, that they ought to be quartered at the castle, upon an island, distant from the town of *Boston* three miles by sea and seven miles by land, where there were barracks

that would hold only one regiment, and that but inconveniently, as has been since proved. And though the impossibility of quartering four regiments in barracks that could hold but one, and the impropriety of quartering troops in an island distant from *Boston*, which were expressly ordered to be stationed at *Boston*, were urged again and again, they still persisted in refusing quarters; wherefore the Commander in Chief found himself obliged to hire buildings, and fit them up for barracks, at the King's expence, for three of the regiments, after having assigned the barracks at the castle for the other regiment. And endeavours were used to defeat even this, the only method left for executing the King's commands; for it was given out by the faction, that if any soldiers were put into such barracks, the Officers commanding such soldiers would be prosecuted for quartering soldiers without the interposition of a Magistrate, contrary to the Mutiny Act, and, being convicted thereof by two Justices, would incur the penalty of being cashiered. To prevent this abuse of the Act, the Respondent, at the request of General *Gage*, Commander in Chief, granted a commission to an Officer of his to place the soldiers in the barracks, which should be provided for them at the King's expence. And this is the fact upon which the charge against the Respondent, for evasively appointing an Officer to provide quarters for the troops otherwise than is prescribed by the Act, is founded. The Respondent is sorry that he is obliged, by the designed generality of the charge, in his defence thereto, to state such a detail of untruths, prevarications, and contempt of law and authority, in the promoters of the accusation against him: but it is all to be accounted for by the propagation of one maxim, which originated with the faction, and has lately been adopted by the House of Representatives, That the King has no right to order any of his troops into any of the *American* Provinces, without being first authorized so to do by an Act of the Provincial Assembly. And from this pretension the transition is easy to the presumption of petitioning the King to punish an officer of his, for obeying his commands, and assisting to carry his orders into execution.

15. The facts, upon which this Article is founded, are these: In *June*, 1768, while the Assembly of the Province was sitting,

the Respondent received a letter from the Secretary of State, signifying the King's pleasure, that he should require the House of Representatives to rescind a resolution passed in a former House, and to declare their disapprobation of it; and if they should refuse to comply, that he should immediately dissolve them. He communicated to the House the first part of the letter, containing the requisition; and upon their desiring a copy of the whole letter, he communicated to them the other part of the letter, containing the provisional order to dissolve them. The House took nine days to consider of this requisition; and in that time passed all the necessary public bills, and particularly the Tax-bill, which the Governor reminded them of passing, previously to their giving their answer; informing them, That, if he should be obliged to dissolve them, he should not be at liberty to call another Assembly till he received his Majesty's commands for that purpose. The House at length giving their answer, by which they refused to comply with his Majesty's requisition, he dissolved them, as he was in duty bound to do. And having received his Majesty's commands not to call a new Assembly until the *May* following, being the time appointed by the charter, he obeyed that order also. These are the true facts upon which this Article is founded; and they were all known to the Complainants at the time when they presumed to petition his Majesty to punish a servant of his, for what he did wholly in obedience to his Majesty's express commands.

16. It is the undoubted duty of a Governor to accompany his reports of interesting proceedings in his Province, with his own opinion of them; and it is indispensable, when he is giving an account of disorders in his government, to endeavour to trace the causes of them, and to point out the remedies. In the Province of *Massachuset's Bay*, when civil authority was reduced so low as to have nothing left but the form of a government, and scarce even that, an enquiry into the causes of so great a weakness in the governing powers was unavoidable; and there was no entering upon such an enquiry, without observing upon the ill effects of that part of the constitution of that government, whereby the appointment of the Council is left to the people, to be made by annual election; and yet the Royal Governor, in all Acts of

prerogative, is subject to the controul of the Democratical Council. This solecism in policy has been as hurtful in practice as it is absurd in theory, and it is the true cause of the extreme imbecillity of the power of the crown in this government, at times when the exertion of it is most wanted. This is not an observation of a new date; it is of many years standing; and the avowal of the Respondent's opinion on this occasion, is not to be reckoned from the date of his letter to the Earl of *Hillsborough:* he has made no scruple to declare his sentiments upon this subject, ever since he has felt the effects which the popular constitution of the Council has had upon the Royalty of the government, which is above three years ago; within which time, he has seen the King deprived of the service of every man at the Council Board, who has had resolution enough to disapprove the opposition to the authority of the King and the Parliament, and their supremacy over the *American* Colonies. This, and this only, is the foundation of the charge of his endeavouring to overthrow the charter; whereas his real desire has been, that the charter should have a more durable stability, by means of a necessary alteration, without which, he is persuaded it cannot have a much longer duration; as the abuse of the appointment of the Council now prevailing, must oblige the Parliament to interfere sooner or later. And therefore he is persuaded, that, in avowing this opinion, he has acted not only as a faithful servant of the King, and a true subject of *Great Britain*, but also as a real friend of *Massachuset's Bay*, whose true interest it is, to have its government so confirmed and established, that it may not be liable to be continually disturbed and disgraced by factious and designing men, as it is at present.

17. The Respondent denies, that by the means mentioned in the aforesaid complaint, or by any other means, he has rendered his Administration odious to the whole body of the people. He denies, that the opinion of the whole people of that Province can now be taken and ascertained, labouring as it does at present, under the baneful influence of a desperate faction, who, by raising groundless fears and jealousies, by deluding one part of the people, and by intimidating the other part, has destroyed all real freedom, not only of action, but even of sentiment and

opinion. But the Respondent doubts not but that his Administration has been approved by the generality of the best and most respectable men in the Province; and assures himself, that notwithstanding that, in the course of the late disputes, he has been obliged by his duty to give his testimony against some popular prejudices, when the present infatuation shall cease, and truth and reason shall be allowed to interpose, he shall be acknowledged to have been a faithful servant of the King, and a real friend of the people. In the mean time, having been honoured with his Majesty's approbation of his whole conduct, and that of the two Houses of Parliament of some principal parts of it, he shall leave it to the Province of *Massachuset's Bay* to do him justice at their own time; and shall commit himself to the disposal of his Majesty, as it shall be thought best for his service, in perfect confidence, that he shall not suffer for sacrificing his interest to his fidelity.

And the Respondent, for proof of such allegations in this answer as shall require it, begs leave to refer to his Majesty's instructions[1]; to the letters of his Secretaries of State and Commissioners for Trade and Plantations, directed to him the Respondent; to the Acts of the Council of the Province; to the Journals of the House of Representatives; to his own letters to his Majesty's Secretaries of State and Commissioners for Trade and Plantations (which letters, being wrote without any probable view of their being used for this purpose, he humbly submits ought to be admitted as evidence, especially of his intention and meaning, upon which great part of the complaint against him is made to depend); and to such other evidence as he shall be able to procure here, after having been, by the practices of the managers of the accusation against him, prevented having the benefit of such evidence as was to be had in the Province of *Massachuset's Bay*.

[1] For a form of such instructions, see those given to Bernard as governor of New Jersey, a draft of which is reprinted in E. B. Greene, *The Provincial Governor*, pp. 234–260.

NOTES ON THE ANSWER OF GOVERNOR BERNARD TO THE PETITION TO THE KING.

[MS., Samuel Adams Papers, Lenox Library; written by Adams on the margin of a pamphlet, containing the Petition and Answer, entitled *Copy of the Complaint of the House of Representatives of Massachuset's-Bay, against Sir Francis Bernard: with Sir Francis Bernard's Answer.* 15 pp.]

As the Complaint of the House of Representatives, with Governor Bernards Answer is made publick, it is presumed it now lies as an Appeal to the Reader, & that every Man has a right to make his own observations on them & lay them before the impartial publick if he pleases. I shall therefore as an individual member of an injurd & insulted Community, offer such remarks as have occurd to my mind with unreservd freedom, with Decency & Truth. The Respondent in the beginning of his Answer discovers a manifest Intention to prejudice the reader ag[t] the Complainants as having been guilty of unfair practices in denying him a Copy of the Complaint, whereby he was deprivd of the Benefit of such Evidence as was to be had only at Boston: This is far from being a true representation of facts: On the contrary, the Gov[r] neither by himself nor by any other person gave the least Intimation to the House while the Assembly was sitting of his Desire to have a Copy of the Complaint. Therefore the Charge of unfair practices used by the Complainants in this regard is without the least foundation of truth: And further neither the Gov[r] nor any one for him or by his Direction ever applyd to the Clerk of the House for such Copy, either while the Assembly was sitting or from the time of its Dissolution on the July

untill a very few days before the Gov^r^ embarkd for London: Then indeed M^r^ Cotton the Deputy Secretary applyd for it in the Name of the Gov^r^ & upon the first Notice the Clerk orderd a Copy to be immediately made out & it was done accordingly—to the truth of which he is ready to make oath, & M^r^ Cotton can no doubt, if needful, confirm his testimony.

The respondent says that the Complaint had its origination in a resentment against him for his being chargd with certain orders &c; & referrs the reader to a Message of his, requiring the House to rescind a resolution of a former house upon which the circular Letter, so obnoxious to the Gov^r^ had been founded—Here again the Gov^r^ is grossly mistaken; The House did not so much if at all repent his being chargd with certain orders from his Majesty or his declaring his Intention to obey them. It was the unfair practices he had used, & the gross misrepresentations he had made to his Majestys Ministers, of the Conduct & Temper of the former house, to procure such orders, that increasd the resentment of the House which had before been inclind to be against him by means of the same kind of practices he had used before—These unfair practices were made fully to appear to the House from their own Minutes & Journals—particularly it was evident from those Minutes & Journals that the resolution in Question was passd in the very height of the Session & in a very full House, contrary to what the Gov^r^ had asserted to the Minister, that it was done in a thin House & at the End of the Session. Whether this and other misrepresentations were made with the wicked Design to deceive

his M——y himself & draw the royal Displeasure on the province, every reader will easily determine. This was the opinion of the House, & it is by no means strange that after such provocations the patience of this people which had been extended beyond Example sh^d^ come to an End & their representatives resolve on a Complaint ag^t^ Gov^r^ Bernard & a humble petition to his Majesty forever to remove him from the Gov^t^ of this province. The respondent observes that "it being objected that there was no proof of the facts alledgd, the pet^n^ was recommitted to the Com^e^ to bring in Evidence in Support of divers Articles." The Truth is the House had voted a Number of Articles of Comp^t^ in the pet^n^ upon the clearest proof of the facts & therefore it could not be recom̃itted as the Gov^r^ says upon its being objected that there was *no proof*. But for the fuller Satisfaction of several Members the Com^t^ was orderd to bring in further proof respecting divers Articles, but the Gov^r^ very much to his lasting Honor prevented it by an immediate & *timely* Dissolution of the Assembly.

The respondent says that from the time of his entering upon the Gov^t^ till the year 1765 there was a good Understanding between him & the Assembly & further that the Journals of the House afford many pregnant Proofs of it. I am apt to believe not many: It w^d^ be strange if in the Course of Nine years there sh^d^ not be a few Instances wherein a Gov^r^ & his Assembly have agreed, especially in the Honey Season of Administration—And if there are some proofs of it in the Journals the House have shown their Candor & it may serve as an Instance of

a certain truth that this People has always shown a Disposition to preserve an harmony with the King's Gov[r] until repeated Acts of Ill usage on his part have unavoidably made a Breach—This is remarkeable with regard to Gov[r] Bernard himself. Since we are now upon the Article of Charge ag[t] him that in his Speeches & other publick Acts he treated the representative Body with Contempt—Is it not notorious that in one of his first Speeches he chargd not the representatives only but both Houses & the Body of the People with

[1] I sh[d] be glad to be informd what has made it his Duty to give his own opinion—he was of another mind when he did his Speech Anno 1765.

Royalty contrould by Democracy is a Solecism in Policy.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR.[2] JULY 15, 1769.

[*Massachusetts State Papers*, pp. 184–187.]

May it please your Excellency,

The House of Representatives have contemplated your several messages of the 6th[3] and 12th[4] instant, as fully as the time, to which you were pleased to

[1] The two concluding notes are written opposite paragraph 16 of the answer.

[2] Attributed to Adams by W. V. Wells, *Life of Samuel Adams*, vol. i., p. 262. The committee, of which Adams, Otis, Hancock, and Hawley were members, was appointed July 12th, and was directed to sit forthwith. The answer is printed in the Journal of the House, pp. 80–83.

[3] *Massachusetts State Papers*, p. 183. [4] *Ibid.*, pp. 183, 184.

limit them, would admit. And as General Gage's letter on this subject, dated 15th of May, of which we were favored with an extract only, must have been received before the meeting of the General Assembly, we think it very extraordinary that your Excellency should suffer five or six weeks to elapse, before you thought proper to give us the least intimation of this matter. It is also surprizing, that, as the Barrack Master General, Colonel Robinson, was in Boston near a month, the greater part of which time, the General Assembly was sitting, we never before heard of the "demand" which he had "the honor to make," as he is pleased to express himself, in his letter to your Excellency, of the 18th of June. It is wonderful indeed, that this House should have no notice of that demand, till the 6th instant, and that a quickening message should so soon follow. Between these messages, Lord's day intervening, the House had adjourned, as usual, from Saturday to Monday. But it is truly astonishing, that when the gracious desires of majesty itself, of aids in men and money in the late war, in which we freely bled with our fellow subjects and brethren of Great Britain, as well as of America; and on less arduous occasions have, with royal clemency and great condescension, ever been intimated in the form only of a requisition, the Barrack Master General should hold so high and peremptory a tone as the word *demand*, must necessarily imply. The indignity, thus offered to your Excellency's commission, would have been an affair entirely between your Excellency and the Barrack Master General, had it not been communicated to us as an appendage, nor ac-

companied your message of the 6th instant, the subject of which, we shall now, more immediately consider.

The public proceedings of this House, we trust, will sufficiently evince to the whole world, and to all posterity, the idea we entertain of the sudden introduction of a fleet and army here; of the unparalleled methods used to procure this armament; and of the indefatigable pains of your Excellency, and a few interested persons, to keep up a standing force here, by sea and land, in a time of profound peace, under the mere pretence, of the necessity of such a force, to aid the civil authority. But were it a time of war, and the necessity of such a force ever so great, of which it is admitted, the King, by virtue of his undoubted prerogative of marching his armies, and directing his fleets to any part of his realms or dominions, is the sole judge; yet, sir, it should be remembered, that the very nature of a free constitution, requires that those fleets and those armies should be supported only by the aids voluntarily granted by the Commons. Thus, till very lately, they have been supported, not only in Great Britain and Ireland, but in all the British dominions.

May it please your Excellency, we are constrained to be very explicit upon the funds proposed, and the law alluded to, both in your message of the 6th instant, and in the extract of General Gage's letter before us. By funds, we presume, is meant a provision for the reimbursement of such expenses as have been occasioned, or may accrue, in consequence of quartering the troops here; and by law, is meant the mutiny

act, so commonly called, which was passed in the 6th year of the reign of our most gracious Sovereign. By this act, it is declared, "the officers and soldiers quartered, as therein more particularly expressed, shall, from time to time, be furnished and supplied by a person or persons, to be authorized or appointed for that purpose by the Governor and Council of each respective province; or upon the neglect or refusal of such Governor and Council, in any province, then by two or more Justices of the Peace, residing in or near the place" of quartering, with "fire," and other enumerated articles. And that the respective provinces shall "repay such person or persons, all such sum or sums of money, by him or them paid, for the taking, hiring, and fitting up uninhabited houses, and for furnishing the officers and soldiers therein, and in the barracks," with "fire," and the other enumerated articles. And such sum or sums are, by said act, required to be "raised in such manner as the public charges for the provinces respectively are raised." And it is also further declared by said act, that "the extraordinary expense of carriages to be paid by the province or colony where the same shall arise."

From hence it is obvious, that a Governor and Council have no more right, by this act, to draw money out of a colony treasury, than the two justices mentioned therein. The duty prescribed, is entirely confined to the appointment of a person or persons, to furnish and supply the articles in said act mentioned. Such is the unreasonableness and severity of this act, that it leaves to the Assemblies not the least color of a privilege, but only the pitiful power to

raise the sums in such manner as the public charges of the provinces are respectively raised. Hence it is manifest, how unwarrantably the Governor and Council have acted, in the payments they have ordered between the dissolution of the last year's Assembly and the convening of this, for articles furnished his Majesty's 65th regiment, lately quartered in the barracks, at Castle William; for it is known, there was no fund provided, consequently, there could be no appropriation made by the General Court for that purpose.

We shall now, with your Excellency's leave, take a nearer view of the act of Parliament above mentioned. The whole continent has, for some years past, been distressed with what are called acts for imposing taxes on the colonists, for the express purpose of raising a revenue; and that, without their consent in person, or by representative. This subject has been so fully handled by the several Assemblies, and in the publications that have been made, that we shall be as brief as possible upon that head; but we take leave to observe, that in strictness, all those acts may be rather called acts for raising a tribute in America, for the further purposes of dissipation among placemen and pensioners. And, if the present system of measures should be much further pursued, it will soon be very difficult, if possible, to distinguish the case of widows and orphans in America, plundered by infamous informers, from those who suffered under the administration of the most oppressive of the Governors of the Roman provinces, at a period, when that once proud and haughty republic, after having subjugated the finest kingdoms in the world, and drawn all the

treasures of the east to imperial Rome, fell a sacrifice to the unbounded corruption and venality of its grandees. But of all the new regulations, the stamp act not excepted, this under consideration, is the most excessively unreasonable. For, in effect, the yet free Representatives of the free Assemblies of North America, are called upon to repay, of their own and their constituents money, such sum or sums, as persons over whom they can have no check or control, may be pleased to expend! As Representatives, we are deputed by the people, agreeable to the royal charter and laws of this province. By that charter and the nature of our trust, we are only empowered to "grant such aids," and "levy such taxes for his Majesty's service, as are reasonable;" of which, if we are not free and independent judges, we can no longer be free Representatives, nor our constituents free subjects. If we are free judges, we are at liberty to follow the dictates of our own understanding, without regard to the mandates of another; much less can we be free judges, if we are but blindly to give as much of our own and of our constituents substance, as may be commanded, or thought fit to be expended, by those we know not.

Your Excellency must, therefore, excuse us, in this express declaration, that as we cannot, consistently with our honor, or interest, and much less with the duty we owe our constituents, so we shall never make provision for the purposes in your several messages above mentioned.

TO DENNYS DE BERDT.

[S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., p. 192.]

BOSTON July 31, 1769.

SIR

By Captain Hood you have a letter from the House of Representatives signed by the Speaker, inclosing a remonstrance to his Majesty against Governor Bernard.[1] Such a measure unanimously voted in a full House consisting of one hundred and nine members, forty of whom by the charter make a quorum, is sufficient to justify what I wrote you formerly, that I thought it impossible he should ever recover the affections of the people. Indeed it never appeared to me that the conciliating their affections was any part of his view. If he had had this in contemplation he would never have attached himself to a small party, of which the people, even the better sort of them, had the most contemptible idea. Whether the governor herein discovered that he had conceived a deep rooted prejudice against the people or that he was totally ignorant of the only method to secure his own happiness, and promote his Majesty's real service in the Province, I will not pretend to say: This I believe must be acknowledged by all, that the surest refuge of a monarch himself is, under God, in the bosom of his subjects. The Speaker has written you particularly which leaves me the less to say. I shall send you the journal of the House as soon as it can be got thro the press.

I am, sir, your humble servant,

[1] Governor Bernard returned to England at this time. *Cf.* W. V. Wells, *Life of Samuel Adams*, vol. i., p. 267; T. Hutchinson, *History of the Province of Massachusetts*, vol. iii., p. 253.

ARTICLE SIGNED "POPULUS."

[*Boston Gazette*, August 28, 1769.]

The infamous Baronet of Nettleham,[1] in one of his curious Letters lately imported, has ventured to affirm, that numbers of the Merchants of Boston who had subscribed the Agreement for a Non-importation of British Goods never intended to comply with the Terms of it. A very genteel Compliment indeed to the Body of Merchants! But it was necessary that his Lordship to whom he wrote should be induced if possible to believe it, and therefore he roundly and impudently asserted, whether he believed it himself or not. He very well knew, that this Agreement if strictly adhered to, would effectually influence the Repeal of the Parliamentary Revenue Acts; and as his own Interest would be deeply wounded by the Event, and his sanguine Expectations of Gain cut off, for he had promised himself two or three Thousand sterling per annum out of the American Revenue, he made no Scruple, according to his Manner, to sacrifice the Reputation of Men, infinitely better than himself, to prevent it.—The Baronet has indeed in his Letters calumniated, not the Merchants only, but the Town and Province, and the most respectable Bodies in it: Whether at his Departure, he fixed upon one John Mein, as a Person hardy enough to go through thick and thin to support his Calumnies, I pretend not certainly to know; or whether this Man is made a Tool by the band of Placemen and Pensioners here, is a Matter which I cannot yet

[1] In April, 1769, Governor Bernard had been created Baronet of Nettleham.

vouch for, and therefore in tenderness to this Stranger I shall not even hint such a thing to the public. Certain it is however that this said John Mein is taking abundance of pains to make it appear as if the Baronet's prediction was fulfilling apace, and that a number of the Merchants who subscribed, had broke through their Agreement, and thereby violated their faith voluntarily plighted to the whole American publick! I am very solicitous for the Honor of the Merchants of Boston, my fellow Citizens, but much more for my Country, the Salvation of which very much depends upon their punctually fulfilling their Agreement: And therefore I must confess I was at first greatly alarmed at the formidable Attack which this same John Mein seemed to have made upon both. I was particularly concerned to find a Merchant of the first Character and one who had always distinguished himself in the List of Patriots, so lost to himself, his Connections in trade and his Country, as to import 100 pieces of British Linnens, in direct violation of his own Agreement. Thus it was represented in the Boston Chronicle; but how unlucky it is for John Mein, that the Truth of his publication should be so soon called in Question! And as it now appears to the World, beyond Contradiction, by the Oath of Mr. William Palfrey a Person of undoubted Veracity, that these 100 pieces of British Linnen were in reality so many pieces of Russia Duck, an allowed Article, will not the impartial publick at once say that John Mein has committed Leasing making, contrary to the Laws of his own Nation, and be ready to charge him with as perverse a Misrepre-

sentation as ever the Nettleham Baronet himself was guilty of. I have been told of so many other Deceptions of the same kind in the several publications of this over zealous Man, that for my own part I must have better Authority than his before I shall give my Credence to any Tale that may hereafter come from his Press—I would desire Mr. Mein to accept a Word of Caution, not to set himself in Opposition to an awakened, an enlightened and a Determined Continent, lest he be found to kick against the Pricks—I had also a word of serious Advice to the two young Gentlemen who bring up the Rear in the very ignoble List of Importers by the Name of Hutchinson, whose ill advised Conduct I am particularly astonished at; but for want of Leisure I must at present omit it.

Your's,

POPULUS.

ARTICLE SIGNED "AN IMPARTIALIST."

[*Boston Gazette*, September 25, 1769.]

Messieurs PRINTERS,

Mr. Robinson[1] seems highly to resent it, that there should be the least suspicion of a *preconcerted* plan to assassinate Mr. Otis, when he was so ungenerously assaulted in the Coffee-room; but the impartial public will form its own judgment of this matter, founded upon more substantial Evidence than the Declara-

[1] One of the Commissioners of Customs. See above, page 316.

tion of an *unknown* By-stander. I am sorry there should be room for any suspicion of this kind; but when I hear it affirm'd that preparation was made that very day for *a dust that was to be kick'd up* in the Evening,—when I am told that one dirty fellow was known to furnish another dirty fellow with a sword for the purpose—and that boats were in readiness to carry off *certain persons* at a minutes warning, I must confess it looks as if business of a very extraordinary nature was intended. It certainly cannot be accounted for upon any principle of honor, that many persons in the company should be suffer'd to crowd in upon Mr. Otis on purpose to hinder his making use of his own strength; pushing & pulling him as Mr. Gridley declares upon oath "to prevent his beating Mr. Robinson" who had attack'd him, as in all likelihood he would otherwise have done. When we find one witness of undoubted veracity swearing that means were used to prevent Mr. Otis improving the advantage he manifestly had over his antagonist; others, that under these circumstances, a number of sticks at once were over Mr. Otis's head—a drawn sword—the cry in the room G—d d——n him, meaning Mr. Otis,[1] knock him down—kill him—kill him—all which has already been depos'd by credible witnesses upon oath before the magistrate—Can any one from such declarations of impartial men, entertain the least doubt but that *some persons* in the company had a design to assassinate Mr. Otis? since they not only called upon each other to *kill him*, but were actually endeavoring to perpetrate the murder by

[1] William Tudor, *Life of James Otis*, pp. 362, 503.

the utmost of their power. And when we are also assured by the testimony of another disinterested witness, that he heard a certain person talking of a wager he had lost upon the issue of the matter, can there be any scruple that it was a *preconcerted* plan! This same certain person has of late been uncommonly officious in the cause of C——rs, and his name will ere long be expos'd—Whether Mr. Robinson was privy to any such plan he best knows himself. I do not charge him with it. If he had agreed to Mr. Otis's proposal to go abroad or withdraw to a private place, and there decide the controversy between them, or if he had propos'd it himself, instead of attacking him in a public company, he would in my opinion have acted the part of a Gentleman and a man of Courage; and no one I suppose would suspect that he had the least intention to avail himself of *foul play.*

Mr. Robinson takes a great deal of pains to have it believ'd that there was no foul play. He tells the public that "no man besides himself struck Mr. Otis, or even offer'd him the least *unfair play.*" Mr. Gridley, in direct contradiction to what Mr. Robinson asserts, upon oath declares, that there was "foul play," and that he protested against the "dirty usage" which Mr. Otis receiv'd. I shall for my own part always place a greater confidence in what is said by an indifferent person than the assertion of a party—Mr. Robinson indeed says that Mr. Gridley made himself a party; but one of his own witnesses has declar'd upon oath that he apprehended Mr. Gridley's design was to separate the parties or see fair play; which by

no means places him in the light of a party man—Mr. Robinson may entertain what opinion he pleases of his By-Stander, and so will the public; it will be a difficult matter, if possible, for him, by any depositions, which by the way he promis'd us in the course of last week, to invalidate the testimony of Mr. Gridley, in the minds of any who know him. Mr. Robinson moreover says, that he laid aside his own sword, upon seeing Mr. Otis without one. One would from hence conclude, that Mr. Robinson had, *in this instance*, acted like a man who, to use his own expression, "had nice sentiments of honor." But circumstances seem throughout the whole of this matter, to turn up unluckily for Mr. Robinson.—Some of the first Surgeons in this city attended Mr. Otis, and upon a thoro' examination of the wound he received in his forehead, which was given by Mr. Robinson, according to his own and his By-Stander's account, they were all clear in their judgment, that it was the cut of an edged weapon. Did Mr. Robinson then borrow another sword, after he had, like a man of nice sentiments of honor, laid aside his own, because Mr. Otis was without one? Or rather, did not some other person strike Mr. Otis, and that with an edged weapon? This indeed is contrary to Mr. Robinson's and his good friend the By-Stander's account of the matter; but one or the other of these must be the conclusion, if the judgment of the Surgeons is of any weight, and they have as nice sentiments of honor, as even Mr. Robinson himself, and I dare say, are able to defend their judgment.—Mr. Robinson may take his choice, either to acknowledge that he had the

assistance of one at least, *who fought too with an edged weapon*, in the combat with Mr. Otis, which the By-Stander pertly says ended greatly to the disadvantage of Mr. Otis; or else, that he *was not sincere* with the Public in saying that he laid by *his own* sword, when he found Mr. Otis without one; for if he made use of a sword, it was immaterial whether it was his own or another man's.

The By-Stander roundly asserts that twenty gentlemen in the room can prove that "neither sword, cutlass or other edged weapon whatever was seen drawn." But the ill luck of Mr. Robinson attends this man, who seems to make himself a *swift witness* in the matter.—I would just observe that if this By-Stander is as active in his limbs, as he appears to be in his tongue, which is called an *unruly evil*, he might for aught I know be a match for Broughton himself; and perhaps he may have lent a fist too, when "the brisk manual exercise," as he tells us, ensued; which might entitle him to be present at *'Squire Froth's*, where some of the perpetrators rendezvouz'd, and mutual congratulations, as fame reports, pass'd on the *grand occasion*. But this by way of digression—wherein I could have mentioned several curious anecdotes concerning the *Esq'rs* dismal apprehensions the next morning, (having I suppose been worried in his dreams in the night) together with his sage advice to the peace-officers, by no means to attempt to serve a precept on board a man of war; telling them it would be *hazardous*, and that men of war were lawless, perhaps the Esquire means *privileged* places.—But these things shall be related in due season.—Twenty Gentlemen, says the

By-Stander, (modestly eno') "can prove that neither, sword, cutlass, or other edged weapon whatever was seen drawn." How easily may the By-Stander and his twenty gentlemen be confuted by the *positive* testimony of one person of credit, who swore the other day before Mr. Justice Murray, "that a sword *was* drawn"; and this by the way serves to confirm the judgment of the Surgeons.—*Esquire Murray* has had the honor of being mentioned to Lord Hillsborough by the *Nettleham* Baronet as a "fit person" for a reforming Magistrate; and to my knowledge he took great care that justice should be done to Mr. Robinson.—I will not say that he appear'd *partial*, much less *very partial* in his favour, for that wou'd expose me to his Worship's resentment, *which I very much dread*—this I will say, tho' Mr. Robinson need not be told of it, that he used the utmost Caution in admitting questions that should seem to prejudice his cause, when he *chose to think* them in the least degree impertinent or improper, and no one can blame his Worship for that! But to return to the By-Stander; if twenty gentlemen can prove that "neither Sword Cutlass, or any other edg'd Weapon whatever was seen drawn" is it not somewhat strange, that besides a number of sticks, a scabbard should be found on the floor, by a person who happened to enter the room soon after the affray ended? Whether it was a scabbard belonging to the sword that was seen drawn in the hand of a person *dressed in green*, or another, is not very material—If any one doubts of the truth of what I have now related, I appeal to Mr. Otis a Deputy-Sheriff in this Town who has the scabbard in

his possession, where the owner *if he thinks proper* may apply for it.

This By-stander deals much in *negative* Evidence; he says the "Words *Kill him*, were *not once* heard during the whole engagement": Unfortunately for him he is *again* confronted by a person upon Oath. Mr. Gridley swears that he heard "*divers* voices hollow out *Kill him! Kill him!* and he makes no doubt they meant said Otis."—But Mr. Robinson has promis'd, and I now call upon him to fulfil his promise, "to give the public an opportunity of judging" whether the bare Word of this By-stander, who conceals his Name, or the oath of Mr. Gridley taken before two Magistrates, is more deserving of Credit.

Your's,

AN IMPARTIALIST.

ARTICLE SIGNED "ALFRED."

[*Boston Gazette*, October 2, 1769.]

Messieurs EDES & GILL,

LET us take a short retrospect of American affairs —The opposition which the Colonies made to the detestable stamp-act in the year 1765, finally operated its repeal—I am induced to call it a *detestable* act, not from a warmth of resentment against a measure which had it taken effect must have involv'd this whole Continent in perfect absolute slavery, but from the cool dictates of reason. For tho' it was soon repeal'd, it yet created such a jealousy between the mother country and the colonies, as it is to be fear'd

will never wholly subside; and for aught the promoters of it can tell will finally end in the ruin of the most glorious Empire the sun ever shone upon, or at least may accelerate consequences, arising from American independence, which, whenever they happen, will be fatal to Britain herself.—As a condition of the repeal the friends of the American cause, which was the cause of liberty, in the British house of commons, were oblig'd to yield to a proposal; that an act should be passed expressly declaring a right in the King, Lords and Commons of Great Britain to make laws which shall be binding on the colonies in all cases whatever—The Americans, who not long before were viewed by the people of Britain in no better a character than the tawny aboriginal natives, were not so void of understanding, as to overlook the *latent* meaning of this act—they clearly understood the true intention of the words, "*in all cases whatever*", and that a right of making *revenue laws* binding on the colonies was *necessarily* included. Thus Great Britain, instead of burying in eternal oblivion, a claim so repugnant to the laws of reason and equity, and therefore so obnoxious to all the colonies, was induced at that critical season, and as I conceive, contrary to all the rules of sound policy, *as far as she could*, to establish it: And while she was *thro' necessity*, about to repeal one law for taxing the colonies, *without their consent*, she at the same time held up to them a claim, and in effect told them, that she was resolved to make another, or a thousand more, whenever she should be pleas'd to exercise the right she had assum'd—Such were the councils which

ruled in Britain then, and we all know what they have been since.

The Americans, for the sake of restoring harmony, chose to treat this act with silence, at least till necessity should oblige them to remonstrate the ill effects of it. The repeal of the stamp-act was receiv'd with universal joy; and perhaps future historians may say of the colonists, as has been said of the people of Britain upon another occasion in a former period, that they were "mad with loyalty" —Addresses were offered to our most gracious Sovereign on the occasion, and letters of thanks were sent to the patriots who had signaliz'd themselves as instruments in bringing on this happy event—The commerce with Great-Britain which had been stop'd was again reviv'd upon the additional motive of *gratitude*, and such steps were taken as might probably lead the mother country, *in the height of her glory* to imagine, that the Americans look'd upon the repeal as a singular & *unmerited favor*: It must be own'd they seem'd too unmindful of the right they had *on their part* claim'd, of a total exemption from taxes not rais'd with *their own* free consent; and that the repeal was nothing more, upon their own principles, than the removal of a burden which they were under no manner of obligation to bear—I mention these things to show that the colonies were at that time heartily dispos'd to a reconciliation with the mother country, and that she has not the least reason to complain of *them* that differences still unhappily subsist between them—and if Britain herself would now and then recollect, she might perhaps correct

some past errors and *follies*, which might tend to restore that mutual affection which all good men wish for, and she herself, however she may now think of the matter, may *one day want*—Power is intoxicating; and those who are possess'd of it too often grow vain and insolent; we have daily instances of this in *particular persons*; and a haughty nation inebriated with power, like a drunken man upon a precipice, may fall into inevitable ruin, when the friendly hand of a child, if present, might have led him from danger.

But tho' the colonies were so well dispos'd towards the mother country, it must not be forgot that there was a cursed Cabal, principally residing in this town, who having been disappointed in their expectations of the sweets of the stamp-act, were perpetually intriguing to bring about another parliamentary tax-act; for no other purpose than that they might feast and fatten themselves upon the spoils and plunder of the people—and I am persuaded the nation would not have been so *impolitick* as to have pass'd another revenue act for the colonies so soon after the confusion which the stamp-act had occasioned on both sides the water, had not this Cabal found means to induce the men in power at home to believe, that the opposition to that act was "*a faction*" that rag'd indeed for a while, but was then an "*expiring faction*"; and that the generality of the people, now under the influence of the "*better sort*", and those whom they were pleas'd to call the "*friends of government*" who "*feared GOD and honor'd the King*", were become perfectly reconciled

to the measure and the experiment might be tried with safety and success—What a pity it is that great men are so ready to yield implicit faith to the idle reports of their tools and dependents, in matters that concern the welfare of millions, and the very existence of states! But great men are not always wise! and we may safely add from the experience of the world, that they are not always good. Perhaps the M——y themselves were glad to receive these accounts from their wretched hirelings, as they might make a plausible foundation on which to build a plan for their own future wealth and greatness, however distressing to the Colonies, and ruinous to the nation.—This may be tho't a little rude for an American pen; but Britain has too often seen a corrupt M——y under the best of kings. There have indeed sometimes been instances of favourites torn as it were from the arms of ——, and made to suffer the vengence of an injured People.—I never could conceive what should induce a free *independent* British house of Commons to pass a Bill so repugnant to the British constitution, as well as natural right and justice, as a bill for controlling the property of millions without their consent! But I have been lately told that an opinion prevails in that country, that an act of parliament when once passed, becomes a part of the constitution, and that such a bill was perfectly reconcileable with their own Ideas of the act before-mentioned, declaring a right in the British parliament, to make laws binding on the Colonies *in all cases whatever*, and consequently in their opinion a constitutional bill—Whatever was the motive, we find to our astonish-

ment, that in addition to the act of 4 Geo. 3. commonly called the Molasses-act, another American revenue-law was made, and the Colonies were again taxed without their consent, by those who never did and never can represent them.—Let me ask the Cabal, whether the Colonies in general are perfectly reconciled to this act—They now see the contrary with grief and despair, and they may e 're long see it with terror and amazement.—The Colonies are more than ever united in a determined opposition to these acts, and I hope in God they will continue their opposition to them, till they are all repealed—'till the Locust and the Caterpillars which now swarm among us, are driven off like chaff, and every American grievance is redressed.—Their union & firmness I am sure will continue as long as they have a feeling of their own dignity and their own rights; and there is no reason to fear that this feeling will ever be extinguish'd in their breasts, while they remain a virtuous and a sensible people. Their opposition has been prudent & legal,—what single step has been taken that cannot fully be justify'd by the Laws of their country—They have publickly remonstrated their grievances to the world, and humbly petition'd their Sovereign for redress: But their very petitions have been represented by the Cabal—insolently and treasonably represented even to his M——y himself, as the *last efforts of a dying faction*—Indeed the Cabal have since alter'd their tone; and either really hagg'd in their consciences, or pretending to fear where no fear was, instead of an expiring faction, they have since represented the colonies in general

and this town in particular, as upon the eve of an insurrection, and that there was a necessity of the actual exertion of military power to prevent it—they have set forth to the L—ds of the T——y the necessity of two or three regiments to guard their persons, and wrote to the commanding officers at Halifax for troops and ships of war to restore and support government in the town of Boston—I appeal to *their own* letters lately publish'd for the truth of what I assert, and in consequence of these very letters, (so weak and credulous or so wicked & abandon'd were the M——y) troops were sent, which took the possession of this city in a manner unheard of but in an enemies town, and with orders—What shall I say! I shudder at the thought!—Surely "no provincial magistrate could be found, so steel'd against the sensations of humanity and justice, as wantonly to order troops to fire on an unarm'd populace, and (more than) repeat in Boston the tragic scene exhibited in St. George's field?"

Let any one imagine the distress of this people—a free city, I mean once free and still entitled to its freedom, reduc'd to the worst of tyranny—an aggravated tyranny! Was not an army of placemen and pensioners sufficient, who would eat us up as they eat bread, but an array of soldiers must be stationed in our very bowels—Where is the bill of rights, magna charta and the blood of our venerable forefathers! In this dilemma to what a dreadful alternative were we reduc'd! *To resist this tyranny, or, submit to chains*—The one might have been done with the greatest ease, for what was an handful of troops to

subdue a large country—surely two or three regiments could never have been intended "to exterminate the inhabitants of this province." And it could not be expected that such a petty armament could produce any other effect than that of "inspiring the people with resentment"—"those who imagined that the inhabitants of Boston would oppose the landing of the King's troops knew very little of their temper or design", and yet I believe the thought of finally submitting to chains was never suffer'd to harbour in their hearts—God forbid that free countries should ever again yield again to tyranny! This has long been the unhappy fate of the world, while it was overspread with ignorance and invelop'd in darkness: Mankind I hope are now become too enlightened to suffer it much longer.

The colonies have since had a *temporary* relief from the alternative before mentioned, by the publick spirited proposal of the merchants in the several governments, to withdraw their commercial connections with the merchants and manufacturers of Great Britain; which is esteem'd by all judicious and well-dispos'd persons as a noble sacrifice of their own *private* rights and a well-chosen expedient for the recovery of the *publick* rights of their country. It is not to be wonder'd at that this salutary measure should be violently oppos'd by the Cabal, and their abandon'd instruments; and we find BERNARD early endeavoring to prevent its taking an impression on the other side the water, by falsely suggesting to the minister of state that numbers who had sign'd this generous agreement "did not intend to comply with

it", but that there were "still remaining enough of the most respectable merchants of this town, non-subscribers, to defeat the scheme, even if the subscribers were to keep to their promise"—This number is reduced to a few men, in themselves of very inconsiderable weight, who have had the honor of being enroll'd for some weeks past in your reputable paper—Sorry I am to find that the family of our present c—m—d—r in chief & its connections make so great a part of that *very ignoble* list;—a *family* which owes a *gratitude* as it owes its *greatness* to this *despised* people, which till very lately have *lavish'd* upon it all its honors and *lucrative* places;—a *family* which, if unfeeling to all other obligations, should surely have remember'd the *unexampled* act of generosity done to it by the *commons* of this province not more than three years since; which they were under no obligation to do in law, or in justice; nor in *gratitude*, that I could ever learn: And this act of *pure generosity* should the rather have been remember'd by the *family*, considering the *warm professions* then made; from whence those who *thought them sincere*, form'd the greatest expectation of the most ardent zeal and vigorous efforts in favor of the *invaded* RIGHTS of this country—But—How mutable is the heart of man! Yea, it is deceitful above all things—What, in less than a month, follow'd these *professions*, it is not in my power, were I dispos'd to do it, to hide in the darkness of oblivion —*Littera scripta manet*—there, it *must* stand in the full view of posterity, which for the most part marks with the greatest precision the characters of those who

have liv'd !—Animated no doubt by the example, and encourag'd by the steady attachment *of this family* to the late ministerial measures, a Factor from London is daily expected in the next ship, and as it is said under *ministerial* favor, with a very large importation of British manufactures—Good God! How much longer is it expected that the patience of this injured country shall hold out! Have we not already been sufficiently provok'd? Is it possible that any man should have the effrontery, against the united Resolutions of a Continent, to import and vend *its bane*! Unparrall'd presumption! Shall a stranger dare to be the tool of the Cabal, and the instrument of oversetting a measure upon the success of which the hopes of millions are suspended!—What a degree of intollerable vanity and insolence is here! Shall this man avail himself, and make a precedent for others, to avail themselves, of the sacrifice which our own merchants and tradesmen have voluntarily made for the publick good, and hereafter wrest that part of the trade out of their hands, whenever the safety of the country shall admit of its being again carried on! What man will purchase goods of such a bold intruder!—Who will not look upon him as a publick enemy, and treat him with the marks of contempt and hatred! But—contemptible and odious as he must appear, yet in comparison with those few NATIVES of the country, and blessed be God there are but few, who can pride themselves in the importations they have made, and impudently boast of their success, in comparison I say, with such *parricides* as these, a stranger must, in an impartial eye appear, even *innocent*!— ALFRED.

AN / APPEAL / TO THE / WORLD; / OR A / VINDICATION / OF THE / TOWN OF BOSTON, / FROM / MANY FALSE AND MALICIOUS ASPERSIONS / CONTAIN'D / IN CERTAIN LETTERS AND MEMORIALS, WRITTEN BY GOVERNOR / BERNARD, GENERAL GAGE, COMMODORE HOOD, THE COM- / MISSIONERS OF THE AMERICAN BOARD OF CUSTOMS, AND / OTHERS, AND BY THEM RESPECTIVELY TRANSMITTED TO THE / BRITISH MINISTRY.

PUBLISHED BY ORDER OF THE TOWN.
Printed and Sold by Edes and Gill,
in Queen-Street, Boston, 1769.

[2] [1] *At a Meeting of the Town of Boston,*[2] *legally assembled, on Wednesday October the 4th, and thence continued by Adjournment to Wednesday October 18,* 1769.

The following Remarks, upon the Letters written by Governor Bernard, and others, were ordered to be published; and the Committee were directed respectfully to transmit a printed Copy of the same to the following Gentlemen, *viz.* The Honorable Col. *Isaac Barré*, Esq; a Member of Parliament; His Excellency *Thomas Pownal*, Esq; late Governor of this Province, and a Member of Parliament; *Ben-*

[1] The original pagination is thus indicated.

[2] The resolutions of the town, printed at the end of the pamphlet, are in *Boston Record Commissioners' Report*, vol. xvi., pp. 299, 300; a text of the pamphlet is in *ibid.*, pp. 303–325. The text here used is that of the original edition of 1769.

On October 4, 1769, at a meeting of the town of Boston, it was "unanimously Voted, That the Thanks of the Town be and hereby are given to William Bollan Esq. for his generous care in transmitting to the Selectmen authentick Copies of Letters wrote to his Majestys Ministers of State, by Governor Bernard, General Gage, Commodore Hood and others, and also of several Memorials of the Commissioners of the Customs in America—In which Letters and Memorials the Disposition and Conduct of the Inhabitants of the Town have been grossly misrepresented to their Sovereign, in Consequence

jamin Franklin, Esq; Doctor of Laws; *William Bollan*, Esq; Agent for his Majesty's Council of this Province; *Dennys DeBerdt*, Esq; Agent for the House of Representatives, and *Barlow Trecothick*, Esq; Alderman of the City of London, and a Member of Parliament.

Attest.
William Cooper, *Town-Clerk.*

[3] AN
APPEAL, &c.

The Town of Boston having by the generous Care of William Bollan, Esq; formerly a very worthy Inhabitant in it, but now a Resident in London, receiv'd authentick Copies of Letters, Memorials, &c. written by Governor Bernard, General Gage, Commodore Hood, the Commissioners of the American Board of

whereof they have been sensibly affected with the Marks of his Majestys Displeasure—And that the Moderator be directed to transmit the Vote of Thanks to M^r. Bollan, for so seasonable and important a service. Also

"Voted, unanimously, that—

The Hon^ble. Thomas Cushing Esq.
M^r. Samuel Adams
John Adams Esq.
The Hon^ble. James Otis Esq.
D^r. Joseph Warren
Richard Dana Esq.
Joshua Henshaw Esq.
Joseph Jackson Esq.
Benjamin Kent Esq.

"be and hereby are Appointed a Committee to Consider what Measures are proper to be taken to vindicate the Character of the Town from the false and injurious representations contained in the Letters & Memorials aforesaid, and Report at the Adjournment of this Meeting—"

The committee reported at the morning session on October 18; the report was recommitted, and the committee was requested to report again in the afternoon, which was done.

Customs and others,[1] and laid before the Parliament; which contain many base Insinuations and virulent Charges of an high Nature against the Town: The Freeholders and Inhabitants in a legal Town Meeting assembled for the Purpose, have considered the same. As they have not yet been favor'd with the particular Vouchers, if indeed these Gentlemen have produc'd any to the Ministry before whom they laid their Accusations, it cannot be expected they should be enabled to make so full a Vindication of the Town as otherwise they might: They have however endeavor'd to extract from these Writings, so far as the Town is concern'd in them, and to lay before the Publick their true Spirit: From whence it will appear how restless Governor Bernard and his Associates have been in their malicious Intrigues to traduce not this Town and Province, alone, but the whole British American Continent.

In his Letter to the Earl of Shelburne, dated March 19th 1768, he tells his Lordship, that "he sees such an Opposition to the Commissioners and their Officers, and such a Defiance to the Authority by which they are appointed, continually growing, that he can no longer excuse his informing his Lordship of the Detail of the Facts, from whence the most dangerous Consequences are to be expected."—

[1] *Letters to the Ministry from Governor Bernard, General Gage, and Commodore Hood. And also Memorials to the Lords of the Treasury, from the Commissioners of the Customs.* Boston, Edes and Gill, 1769, pp. 108. This volume contains extracts from the letters of Bernard, beginning with that to Shelburne of January 21, 1768, and ending with that to Hillsborough of October 14, 1768, and also considerable material relating to the seizure of the *Liberty*.

It is ob-[4] serveable here, how artfully he connects an Opposition to the Commissioners with a Defiance of the Authority by which they are appointed; and this with an apparent Design to represent this Town as disaffected to his Majesty's Government in general, than which nothing can be more false and malicious. That the People should entertain the highest Disgust of a Board, instituted to superintend a Revenue to be rais'd from them without their Consent, which was and still is exacted with the utmost Rigor, is natural; after they had so loudly as well as justly complain'd of the Revenue itself, as depriving them of the very Idea of Liberty: But it cannot be said with the least Appearance of Truth that they set at Defiance the King's Authority, at the very Time when they were actually yielding Obedience to those Revenue Laws, under all the Hardships of them, and were patiently waiting for the happy Issue of their just Complaints, and their humble Petitions to their Sovereign for the Redress of their Grievances.—The Commissioners had however at that Time surely no reasonable Grounds to expect any Injury to their Persons or Interruption in their Office; for they had been more than four Months in the Town, without the least Danger of this Kind, altho' they had from their first Arrival discover'd such an Arrogance & Insolence of Office, as led many Persons to apprehend, that they aim'd at nothing less than provoking the People to such a Degree of Intemperance as to make an Appearance of it. But being disappointed in this, mere Shifts and Pretensions are to be sought after; and accordingly we find Mr. Bernard beginning

his "*Detail*" to his Lordship with telling him there had been "frequent *Reports* of Insurrections intended, in which it *had been said*, the Houses of one or more of the Commissioners were to be pulled down." The Governor, it is to be observed, relies much upon *Reports* in his Letters even to Ministers of State, while few if any among us ever heard of such Reports: He does not so much as attempt to make it appear to his Lordship that these frequent Reports were brought to him by Persons of Credit, or that they were well grounded; and it is very much to be questioned, whether he received his Intelligence from any other Persons, but the Commissioners themselves, their Dependents and Expectants, the Number of whom are increas'd to an enormous Degree, more than sufficient to devour the whole Revenue, and many of them are of the most abandon'd Characters. [5]

But to give a Colouring to these Ideas of an Insurrection, there must be something more alledged than barely that there had been frequent Reports of its being intended; and therefore his Lordship is told of an Event which in Fact took place as some few remember, but the Story is wrought up by the Governor with all the Strokes of masterly Invention to serve the Purpose. "A Number of Lads, says he, paraded the Town with a Drum and Horn." And what possible Harm could there be in that? Why among other Houses "they passed by the Council-Chamber when he was sitting in Council:" And did they stop to insult the Governor and Council? Such a Circumstance would doubtless have em-

bellished his Excellency's Narrative. Their passing by however carried the Air of an Insult, tho' in all Likelihood the unlucky Boys might not know that his Excellency was there.—But they had "assembled before Mr. Paxton's House," and lest it should be forgot, his Lordship is reminded that Mr. Paxton is "a *Commissioner.*" And did they do Mr. Paxton the *Commissioner* any injury? Yes truly; "they huzza'd," and went off.—Then they "invested Mr. Burch's House," and his Lordship is also told, that Mr. Burch is "*another* Commissioner," and "his Lady and Children were obliged to go out of the Back Door to avoid the Danger that was threaten'd;" so that they were not threatened with Mischief, but with Danger only. It has been usual for the Commissioners to affect an Apprehension of Danger to themselves and their Families, to serve the Purposes they had in View. There is indeed no accounting for the real Fears of Women and Children: The Ladies however can sometimes vie with their Husbands in Intrigue, and are thoroughly vers'd in the Art even of *political* Appearance. And it is said that *all* are Politicians in this Country: Whether this Lady, whom Gov. Bernard has *politely* ushered into the View of the Public, *really* thought herself in Danger or not, it is incumbent on him to show that there were just Grounds for her Apprehensions, that Mr. Burch's House was in Fact "invested," and that "the most dangerous Consequences were to be expected." The World may be assured, there was not the least Appearance of this Kind; and yet, these are Mr. Bernard's own Declarations to his Majesty's

Ministers, grounded upon vague & idle Reports, beneath one of his Rank [6] and Station to take any notice of, & especially with a Design to misrepresent. He expresses a Surprize, & surely he must counterfeit it, that this Matter of "the Parade with the Drum and Horn," was after all treated as the Diversion of a few Boys, as it is still thought to have been by all who can remember so trifling an Occurrence, except the Governor and his Adherents—the Diversion of a few *innocent*, tho' perhaps vulgar Boys, who neither did nor intended to do the least Harm to them or any other Persons, nor were they able to effect it, if they had such a Design. But after this, says Mr. Bernard, "it was *reported*, that *the Insurrection* was postponed 'till the 18th of March"—The Idea is still kept up of a *designed* Insurrection, how else could it be *postponed*? and "two Persons, says he, one of them Mr. Paxton, a *Commissioner*, were mentioned as devoted to the Resentment of the Mob." It is strange that no Persons should have heard of all this but the Governor and his *Informers*; for he tells his Lordship that he "took all the Pains he could to discover the Truth of this Report"; and "on the very Day before, he spoke with the most knowing Men he could procure", who had heard nothing about the Matter. At length, however, "late in the Evening, he had certain Advice that Effigies were prepared, but it was too late to do any Thing, and—his Information was of *that Nature*, he could not make Use of it *in Publick*." To induce his Lordship however to believe that the Reports of *the Insurrection*, which was postponed to the 18th of

March, with every Circumstance as just now related, were well grounded, he tells him, as if it was designed to be the Prelude to the whole, that "early in the Morning the Sheriff informed him that the Effigies of Mr. Paxton and Mr. Williams were in Truth hanging upon Liberty-Tree"!—There was in the Time of it, a strong Suspicion in the Minds of many, that these Effigies were hung up by some *particular Persons* on that Day (which was to be observed as a Day of Festivity), with a Design to give a Colouring to just such a Representation as Gov. Bernard now makes.—There are Persons here capable of playing such a Game; and there are some Circumstances which make it appear that such a Suspicion was not groundless. Particularly it is difficult to account for Governor Bernard's neglecting to give Orders to prevent their being hung up after he *certainly* knew it was [7] intended; and that he should pretend it was too late the Evening before; but especially, his not chusing to make Use of his Information, or it may rather be supposed his Informants Name is publick, unless it was thro' Fear of discovering the Plot, is dark and unaccountable—If there was a Design of this Nature, it must have been truly mortifying to those who were in the Secret, that the Design was so soon frustrated: For before the Governor could meet his Council, which he had *prudently* "the Day before summoned to meet," and while he was "sending round to get them together as soon as possible it might be; amidst all these *careful* Preparations, the Effigies, says the Governor, "were taken down by some of *the Neighbours*

without Opposition"! Their being thus, perhaps unexpectedly, taken down, is sufficient to evince the good Disposition of the Inhabitants in general: That *They* were not in the Plan of an Insurrection, *whoever else might be*, and that the Governor therefore might with Safety, *if he had been so inclin'd*, make use of his Information in Public—It might possibly indeed have totally overthrown his Design in writing this very Letter to his Lordship.

But the best Improvement is to be made of every Appearance: Accordingly the Governor hastens to his Council, who were then met, agreeable to his Appointment the *Day before*, and there he tells his Lordship, he "set forth in strong Terms the Attrociousness of this Insult; the Danger of its being followed by actual Violence, and the Necessity there was of *providing for the Peace of the Town.*" However attrocious the Insult might be, where could be the Danger of its being followed by actual Violence, when some of the Inhabitants themselves, had taken down the Effigies, with, at least the tacit Consent of the whole Community; for it was done without the Opposition expected, perhaps *hoped for*: And what Necessity of providing for the Peace of the Town, when the People already discover'd so peaceable a Disposition. It would doubtless have pleas'd the Governor well, if his Council had advis'd to some *severe* Measures; such as might have afforded a firmer Foundation for him to have represented the Town as upon the Eve of an Insurrection, than groundless Reports or Informations, from his own Pimps, which it was not *prudent* [8] for him to make use of in publick. But "all

he could say" to that Purpose, tho' he strove hard for it, "made no Impression on the Council;" They, says he, "persever'd in treating the Affair as of no Consequence," as well they might; for it is questionable after all, whether there was the least Apprehension then of any Commotion even in the Mind of the Governor himself, whatever were his Pretensions. The Commissioners however took this Opportunity "of setting forth the Danger *they* apprehended"; and the Governor, very readily no doubt, took the Occasion to acquaint the King's Minister, that he had receiv'd a Letter from the Commissioners, "*desiring the Protection of the Government.*"

Mr. Bernard proceeds in his Narrative, and entertains his Lordship with a very minute Account of the Celebration of the Anniversary of the Repeal of the Stamp-Act; and "the terrible Night it produc'd"— to Mr. Burch, *one of the Commissioners*, and his Lady and Children who had mov'd to his House for Safety; —"to the Lieutenant-Governor and the Sheriff of the County who were also with him"; and in fine to all "those who thought themselves Objects of the popular *Fury.*" It may be here observed as in general true, that no Man has Reason to fear the popular Fury, but he who is conscious to himself of having done that which has expos'd him to their just Resentment——The Governor himself owns that "the Selectmen of the Town" and "some others," and even the Gentlemen who dined at two Taverns near the Town-House, upon the Occasion of the Day "took great Pains that the Festivity should not produce a Riot." There is no Reason to suppose this was

mention'd for the Sake of giving a Credit to any of those Gentlemen, but rather to insinuate that the People were so outrageously dispos'd as that they could not be restrain'd even by their own *Leaders;* for most of those whom the Governor had *honor'd* with that Character were present. The Truth is, none of them were apprehensive that *their* Festivity would produce a Riot; but they were careful to prevent the lighting a Bonfire, because the Governor had constantly represented that as "the usual Signal for a Mob"; and the Joys of the Evening among the lower Sort, which however innocent [9] are sometimes noisy, would of Course be represented as riotous. And thus he did in Fact represent it to his Lordship; for he tells him that "many Hundreds of People of all Kinds, Sexes and Ages, paraded the Streets with Yells and Outcries"——That they "invested Mr. Williams's House"—That "at two different Times about Midnight they made Outcries about Mr. Paxton's House". And tho' after all, he owns it was "out of mere Wantonness", yet he says the whole made it a terrible Night". This is Painting indeed, much beyond the Life: But Mr. Bernard has the Art in Perfection. He could not however perswade even General Gage, to give it such a Colouring; for the General in his Letter to Lord Hillsborough dated Boston the 31st of October 1768, tells his Lordship quite otherwise; and that "according to the best Information he had been able to procure, the Disturbance in March (which was this very Instance) far from being "terrible as the Governor represents it, was in Truth "trifling". This being the Account given by one of the

principal Servants of the Crown in America, and who has discover'd himself far from being partial *in favor* of the Town, it is needless to add any Thing further on this Head——*Trifling* as indeed this "Disturbance" was, such Improvements were made of it by Governor Bernard and others, that it occasion'd the ordering two Regiments from Halifax to this Town for a Purpose for which the military Power was certainly never design'd; a very dangerous Purpose, and abhorrent to the British Constitution and the Spirit of a free Government, namely to Support the Civil Authority—A Measure which has caus'd continual Terror to his Majesty's peaceable Subjects here, and has been productive of more Disturbance and Confusion than has been known in the Memory of any now living, or than is recorded by any Historian, even the most *partial* against this Country.

We shall now take Notice of Governor Bernard's Letter to the Earl of Hillsborough, dated Boston, June 11, 1768, wherein he gives his Lordship an Account "of a great Riot that happened in this Town the preceding Evening." And it must be confess'd there was a Riot on that Evening, which is by no means to be justify'd. It was however far from being so great an one as the Governor represents it to [10] be.—The Collector and Comptroller of the Customs indeed represent it as a "numerous Mob,"[1] but they being particularly interested, their Fears might deceive them.—It was not a numerous Mob; nor was it of long Continuance, neither was there much Mischief

[1] Affidavit of Benjamin Hallowell, Jr., Comptroller of Customs at Boston. *Letters to the Ministry*, p. 92.

done. It was occasioned by the unprecedented & unlawful Manner of seizing a Vessel by the Collector and Comptroller: And considering their illegal Proceedings in making the Seizure, attended with the most irritating Circumstances which occasioned this Mob—the intolerably haughty Behaviour which the Commissioners who ordered this Seizure, had constantly before discovered towards the People—the frequent Threats which had been given out, that the Town should be put under a Military Government, and the *armed* Force actually employ'd as a Prelude to it, it cannot be wondered at, that in a populous Town, such high Provocations, and the sudden Exertion of Lawless Power, should excite the Resentment of some Persons beyond the Bounds of Reason, and carry them into Excess.—We cannot state the Circumstances of this Affair with greater Impartiality, than by reciting the Sentiments of his Majesty's Council after two Days Enquiry and Consideration, in their own Expressions, viz.

"His Excellency having laid before the Board a Representation of some Transactions relating to, and in Consequence of the Disorders in the Town of Boston on the Evening of the 10th of June last, the Board think it necessary *in Justice to the Town* and Province, and in Vindication of themselves, to make some Observations thereon, and to give a fuller Representation than is contained in the Paper laid before the Board.

"With Regard to the said Disorders, it is to be observed that they were occasioned by the making a Seizure (in a Manner unprecedented) in the Town of Boston on the said 10th of June, a little before Sun-

set, when a Vessel was seized by several of the Officers of the Customs; and immediately after, on a Signal given by one of said Officers, in Consequence of a preconcerted Plan, several armed Boats from the Romney Man of War took Possession of her, cut her Fasts, and carried her from the Wharff where she lay, into the Harbour, along side the Romney; [11] which occasioned a Number of People to be collected, some of whom, from the Violence and Unprecedentedness of the Procedure with Regard to the taking away of the said Vessel, and the Reflection thereby implied upon the Inhabitants of the Town as disposed to rescue any Seizure that might be made, took Occasion to insult and abuse the said Officers, and afterwards to break some of the Windows of their Dwelling-Houses, and to commit other Disorders. Now, tho' the Board have the utmost Abhorrence of all such disorderly Proceedings, and would by no Means attempt to justify them, they are obliged to mention the Occasion of them, in order to shew, that however culpable the said disorderly Persons were, the Officers who seized, or those by whose Orders such unusual and violent Measures as were pursued in seizing and taking away the said Vessel, were not faultless: It being highly probable that no such Disorders would have been committed, if the Vessel had not been with an armed Force, and with many Circumstances of Insult and Threats, carried away from the Wharff."

The Council further say, "With Regard to what happen'd on the 10th of June, it seems to have sprung wholly from the Persons who complain of it, by the Plan laid and the Orders given for making the

Seizure aforesaid, and carrying it away by an armed Force. Which Circumstances, together with the Time of Day of seizing the Vessel, makes it seem probable that an Uproar was hoped for and intended to be occasioned by the Manner of Proceeding in making the Seizure."

From this impartial State of the Matter, it must evidently appear to every candid Mind, that the Opposition was made, not at all to the seizing of the Vessel by the Officers of the Customs, but wholly to the *Manner* in which it was secured; and that if it had been done in the usual Manner, as the Council afterwards say, "it would have remain'd secure in the Hands of the Officers"—This corresponds with the Commissioners own Account; for they say in their Letter to Governor Bernard, June 12,[1] that they receiv'd a verbal Message from the People to the following Purpose, "that if the Sloop seiz'd was bro't back [12] to Mr. Hancock's Wharff, upon Security given to answer the Prosecution, the Town might be kept *quiet*". But this pacific Proposal, tho' brought to them as they acknowledge "by a Person of Credit", they expresly declare "appear'd to them as a *Menace*", and it was in Fact one of their very Reasons for requesting the Governor to give Directions that they might be received into the Castle for Protection—So totally regardless were they of the Peace of the Town, and so excessively fond of being thought by others as important as they fancied themselves to be, that when this reasonable and timely Proposal was brought to them even by a

[1] *Letters to the Ministry*, pp. 95, 96.

Person of Credit in *their own* Esteem, they haughtily reply'd, that " they gave no Answers to *verbal* Messages ", which plainly indicated either a Wantonness of Power in them beyond all Bounds, or the Hopes if not the Intentions of a further Uproar.—

Governor Bernard tells his Lordship that this Riot " had very bad Consequences ", which is undoubtedly true: The exaggerated Accounts which he and the Commissioners gave of it to the Ministry, and their taking Occasion to represent the Town itself as in a State of Disobedience to all Law and Authority, and indeed the whole Continent as ripe for a Revolt, were attended with the worst of Consequences to the Town. The Commissioners say in plain Terms that " there had been a long & *extensive* Plan of Resistance to the Authority of Great-Britain ", and that " the Seizure refered to " had hastened the People of Boston to the Commission of actual Violence sooner than was intended ". Such *inflamatory* Representations as these had the Effects which they had long wish'd-for; and induc'd the Ministry to order two other Regiments to this Town; the Consequence of which, if they or any of them are continued, it is to be fear'd, far from reconciling the People to the present Measures of Administration, will only increase their Discontent, and even alienate their Affections.

The Governor in the Postscript to his Letter, June 13,[1] mentions his having Intelligence from the Commissioners of some *Particulars* from whence *they concluded*, that they were immediately expos'd to

[1] *Letters to the Ministry*, p. 21.

further Violences, and desir'd Protection at the Castle.—This Intelligence is contain'd in their Letter of June 12, just now mention'd, wherein [13] they take upon themselves to charge the Government with having used no Measures for securing the Peace of the Town, alledging in general Terms that "there was the strongest Reason to expect further Violences." And they further say, that "His Excellency himself had acquainted them that *Boston was no Place of Safety for them*". Here we see that the Intelligence which the Governor represents to his Lordship as having been receiv'd by him from the Commissioners, he first communicated *to them;* and thereupon they grounded their pretended Fears in their Letter *to him*, and desire the Protection of the Government. This is all of a Piece, and may serve to explain the *frequent Rumours* of an Insurrection, mention'd in a former Letter, and from what Quarter these frequent Rumours came. It shows the Combination, and the settled Design, of the Governor and the Commissioners, to blacken the Character of the Town; and how dextrously they can play into each others Hands —The Governor the next Day, June 13,[1] wrote to the Commissioners, and acquainted them, that "having communicated their Letter of the 12th to the Council, they desired him to inform them that during the Sitting of the Council on Saturday Morning, there was no Reason at all given to expect further Violences, and that there was no Apprehension either in *the Governor* or the Council of an immediate Danger." It is incumbent on the Governor, or his

[1] *Letters to the Ministry*, pp. 98, 99.

Friend, *if he has any*, to reconcile this with what he had before told the Commissioners, "that Boston was no Place of Safety for them". It seems Gov. Bernard was perpetually teizing the Council with the Commissioners vague Reports of an Insurrection, and of the Danger they were in; and indeed it appears to be the main Point in View to perswade the Council if possible into a Belief of it, or if not, to form a Complaint to the Ministry that they were negligent of their Duty in not advising to proper Measures for the Protection of the Commissioners; and from thence to enforce a Necessity of military Force to restore and support Government in Boston—Why did he not lay before the Council the *Particulars*, which he tells his Lordship he had receiv'd from the Commissioners, from whence *they concluded* that they were expos'd to further Violences? This we hear nothing of; perhaps the Intelligence, like that which he mentions in a [14] former Letter, "was of such a Nature that he could not make use of it in Publick." He indeed tells the Commissioners that "he had inform'd the Council of their *present* Apprehensions of further Violences, and that they were then taking the same into Consideration."—But he should have fairly represented this Matter to the Commissioners, and told them that the Council had *already* taken the same into Consideration, and come to a Conclusion, as in Fact they had; for by their own Minutes we find, that "the Matter being *fully debated*, it appeared to the Board that there was no immediate Danger of fresh Disturbances." They at the same Time advis'd that the Matter shouldbe laid

before the General Court then Sitting, and postponed the Consideration of it by them, *as of Council to the Governor*, till the Effect of such a Proposal should be known. All this the Governor knew; how then could he consistently say that they were *then* taking it into Consideration. He tells Lord Hillsborough that "He was against the business being laid before the General Court, but was oblig'd to give it up"; and that "he had many Objections to the Measure." He knew very well that the drawing this Matter into open Day-Light, would effectually defeat his Design; and that the Intention of bringing the Council, if possible, to join with the Governor in requiring the military Force, or accusing them of Negligence in Case they did not, would thereby be entirely frustrated.—The removing the Business to the General Court, he tells his Lordship, was however, upon *one Consideration*, not "entirely to his Dissatisfaction;" for he says, it was then in a great Measure "taken out of his Hands"; and he concludes, that "as he cannot conduct this Business as it ought to be," or rather as he chose it should be, "it may be best for him to have but little Hand in it."[1]—It may not be amiss here to recite the Declaration of his Majesty's Council at a full Board on the 29th of July, six Weeks after the Commissioners *voluntary* Exile to the Castle in Consequence of these *pretended* Apprehensions of further Violences. The Council say, "the Commissioners were not oblig'd to quit the Town; there never had been any Insult offered to them; their quitting the Town was a voluntary Act of their own;

[1] *Letters to the Ministry*, p. 24.

we do not apprehend there was any sufficient Ground for their quitting it; and, when they [15] had quitted it, and were at the Castle, there was no Occasion for Men of War to protect them." Such an Authority, will, no doubt, be deem'd sufficient to vindicate the Town from this Aspersion; especially, As the Council had then had Time cooly to recollect the Matter: As they had born their full Testimony against the Disorders, and taken every Step which belong'd to their Department, to bring the Offenders to condign Punishment: But more especially, as that very Board had always before supported the Governor's Measures to the utmost Extent that their Consciences would allow, and many Times against the general Sentiments of the People, for which they had gain'd the Governor's Applause, and his particular Recommendations to his Majesty's Minister; and he himself could at this Time have no other Exception to any Part of their Conduct, but their Opposition to his *favorite* Plan, to introduce a military Government into the Town, without the least Colour of Necessity, and thereby to break thro' the Mounds, and tear up the very Foundation of the civil Constitution.

The Governor in his Letter to Lord Hillsborough of the 14th of June, being resolved to give his Lordship an exact *Detail* of every Occurrence "from whence the most dangerous Consequences are to be expected," takes Occasion to mention "a Paper stuck up on Liberty Tree." This Paper, he had said in his Letter of the 13th, contain'd "an Invitation of the Sons of Liberty to meet at Six o'Clock to clear the Land of the Vermin which were come to devour

them." A very innocent, if not a laudable Proposal, for which the Country should think itself oblig'd to them, to be sure if they could have effected their Design. But in this Letter it is called "a violent and virulent Invitation to *rise that Night* to clear the County of the Commissioners & their Officers, to avenge themselves of the Custom-house Officers, & put one of them to Death?" And, still more alarming, "there were also some indecent Threats against the Governor!" Could the Governor think that by the Vermin that were come to devour the Land they meant his Excellency and the Commissioners! But perhaps the Mind of the Sheriff who brought this Information to the Governor was somewhat agitated with the Fears of an Insurrection; and moreover, we may presume that he had not seen the Paper himself, but took it from *Report*, in Conformity to the Example of the [16] Governor, who believ'd *or pretended to believe* every Word of it, till he had the *mortifying* Sight of the true Contents of this *very important* Paper; of which the following as he himself at length tells his Lordship is "an exact Copy" viz. Boston, June 13, 1768. The Sons of Liberty request all those who in this Time of Oppression and Distraction wish well to and would promote the Peace, Good-Order and Security of the Town and Province, to assemble at Liberty-Hall under Liberty Tree on Tuesday the 14th Instant, at Ten o'Clock[1] precisely.——[2] It might have been suppos'd that so

[1] The word "forenoon" appears here in the copy of the notice as incorporated in Bernard's letter, in *Letters to the Ministry*, p. 23.

[2] The draft in the autograph of Adams (Samuel Adams Papers, Lenox Library) begins at this point, and continues, with many variations of detail, into

harmless a Thing would have given Offence to none. In the first Place, the Matters alledg'd in it were confessedly true: That this was a Time of Oppression, the People all felt: That it was a Time of Distraction, the Governor and the Commissioners loudly proclaim'd: A Design then at such a Time to promote the Peace, Good-Order, and Security of the Town, was at least unexceptionable. But the Governor complains that "it was not consider'd as an Implication of Danger": Strange would it have been indeed, if so salutary a Proposal as the promoting the Peace, Good-Order and Security of the Town had been thus considered. "Neither, says he, was the *Impropriety* of the Sons of Liberty appointing a Meeting to secure the Peace of the Town, when the Governor and Council were sitting upon that Business, *and seemly to little Purpose*, taken much Notice of." But surely if the Governor and Council could be suppos'd to be sitting upon *such Business*, at *such a Time*, *and seemingly to little Purpose*, there could be no great Impropriety in other Peoples undertaking it. But without adopting by any Means the Measure, Is not here a striking Instance of the Disposition of Governor Bernard, and some others, to receive with the greatest Avidity the most aggravated Accounts of every trifling Occurrence that has happened, and without any Enquiry, to paint them to the Ministry in the deepest[1] Colours! Behold a Meeting, the profess'd Design of which was to promote the Peace, Good-Order and Security of

page 28 of the text of the original edition. Tudor, however, claimed that it was the "joint production" of Otis and Adams. *Life of James Otis*, p. 366.

[1] The draft reads "highest."

the Town, and that in open Day-Light, represented to the King's Minister as a Meeting design'd to be held at six o'Clock, near Sun-set,[1] in one Letter; and in another the next Day, "a most violent and virulent Invitation to *rise that Night!* and clear the Country of the Commissioners,—threaten the Governor, and [17] commit Murder"! In Consequence of which he tells the Council, there is "no Time to enquire into the *Particulars* of the former Riot". They are to be hurried to Measures to provide for the *Peace of the Town;*" and to prevent "new Disturbances premeditated" and "immediately threatned"; and his Lordship is to be forthwith inform'd of it.—Certainly, every candid Person will from hence be inclin'd to believe all that Governor Bernard relates to the Prejudice of this Town, or any particular Persons, with Great Discretion.

His Letter of the 16th of June,[2] for he seem'd to be almost every Day employ'd in writing his "Detail" of *common Reports*, gives the Earl of Hillsborough an Account of "the Meeting at Liberty-Tree in pursuance of the printed Notice". And after entertaining his Lordship with a particular tho' awkard and inconsistent description of the Tree, the vast Heighth of the Flag Staff, and the Design of hoisting the Flag, namely "for a Signal," which to be sure must be a Discovery quite new to his Lordship, he proceeds to say; that "at least 4000 Men assembled", that

[1] In place of the following nine words, the draft reads: "with a design to clear the Land of Vermin for these are the Expressions of the first Letter & the next day explaind & called."

[2] *Letters to the Ministry*, pp. 25–27.

"the principal Gentlemen attended to engage the lower People to concur in Measures for Peace and Quiet", which was the profess'd End of their Meeting —that "one of the Selectmen was chosen Moderator or Chairman"—that they adjourn'd to the Town-Hall" for the Accommodation of so large a Number. And there it being "objected that they were not a legal Meeting" they adjourn'd to the Afternoon," he should have said, broke up; and the Selectmen instead of "legalizing the Assembly" as it is oddly express'd, call'd a Town-Meeting agreeable to the Directions of the Law, to meet in the Afternoon. All this was certainly an innocent Proceeding, and the Governor himself, it is presumed did not think otherwise, for it happens for once, that he makes no particular Remarks upon it; and if it should be said of them, that they met *seemingly to little Purpose*, it might be said truly enough; but it is to be remembered, that another Assembly, with their Chairman at their Head, if the Governor's ludicrous Account of the Meeting of that very respectable Body could be credited, might in that Respect keep them in Countenance.—But innocent as it was,[1] the Governor did not chuse it should be [18] thought that *he* view'd it in that Light, and therefore told the Council, and his Lordship afterwards, that "had it been the first Business of the Kind, he should have asked their Advice, whether he should not send to the General *for Troops*": And to show his own excessive Fondness for so arbitrary and violent a Measure, he adds, that

[1] The draft at this point includes the words: "both in its Effects & professd Design".

"he was ready to do it, if any *one* Gentleman would propose it!"

The Governor then proceeds to give a *Detail* of the Meeting of the Town in the Afternoon; in which he tells his Lordship, that "many wild and violent Proposals were made."[1] It ought here to be observed, that Governor Bernard constantly represents Bodies of Men, even the most respectable, by Proposals made by Individuals, which have been misrepresented by Pimps and Parasites, and perhaps aggravated by himself, instead of allowing them to stand or fall by their own Conclusions—Can any Thing be more base, more contrary to Equity than this?—What should we think of the most respectable Corporations at Home—what even of both Houses of Parliament, if they were to be judged of by every Motion that has been made, or every Expression that has drop'd from Individuals in the Warmth of Debates. If it had been true that such Proposals were made, nay, if measures that could not have been altogether justified, had been even adopted by the Town, at a Time when every Art had been practiced to irritate the People, and inflame their Minds, the candid Part of Mankind would have been ready to overlook it.—The Governor has often been observed to discover an Aversion to free Assemblies: No Wonder then that he should be so particularly disgusted at a legal Meeting of the Town of Boston, where a noble Freedom of Speech is ever expected and maintained: An Assembly of which it may be justly said, to borrow the Language of the ancient Roman, with a little Vari-

[1] Most of the remainder of page 18 is lacking in the draft.

ation, *Sentire quae volunt et quae sentiat dicere licet*, They think as they please, and speak as they think.—Such an Assembly has ever been the Dread—often the Scourge of Tyrants—But these "wild and violent Proposals," which no one can recollect but the Governor, and perhaps his Informers, it seems were "warded off" as the Governor is pleas'd to express it, from whence it may be suppos'd that Prudence directed at this Meeting, "ori[19]ginated and compos'd as (he says) it was"—By these Expressions it is conceiv'd, he would intimate to his Lordship that it was both illegal and tumultuous; and if that was his real Intention, the Insinuation was both false and injurious.—The Meeting was "originated" as the Law directs, and nothing was there concluded upon according to the Governor's own Account, but the Appointment of a Committee, which he himself says "in general was very respectable," to wait on him "with a Petition"; the receiving his Answer, as he is pleas'd to say, with "universal Approbation"! writing a Letter to a Friend, and voting such Instructions as they tho't proper to their Representatives. After which he tells his Lordship they "broke up *quietly*" and the Meeting ended." But notwithstanding this *quiet* and as may be concluded by the Governor's Account of it, *coalziing* Town Meeting, which consisted of so large a Number, and among whom he himself was so "popular" that even "the Moderator declared that he really believ'd he was a Well-wisher to the Province." (Thus saith Governor Bernard, but no one remembers or believes it) yet all this will not avail to soften his Mind or alter his Intentions. And altho' he tells his

Lordship "the Romney and a Sloop of 16 Guns just come in will compleat the Command of all the Approaches to the Castle, and other Ships of War are expected, so that the Security of the Commissioners is effectually provided for"; yet the *favorite Point* will not be carried, till the long-wish'd-for Troops arrive, to enforce his arbitrary Designs, and suppress the Spirit of Liberty. And now is the Time, if ever, to press the Matter: Every Hand therefore must be set to work, and nothing will serve the Cause like continually holding up the idea of an *Insurrection*. Accordingly we find one of the Auxiliaries, whose Letter, tho' anonimous, has Credit enough to appear in the List laid before Parliament, says "It is *my* Opinion that the Promoters of the present Evils are ready to unmask, and openly to discover their long and latent Design to REBEL"—and—"involve this Country in Blood and Horror"! Another anonimous Writer, who is said to be "well acquainted with the State of the Town of Boston", says, that "He observes a Sourness in the Minds of the People in *general*", and adds, "He that runs may read, that without [20] *speedy Interposition*, a *great Storm* will arise."—The Collector and Comptroller of the Customs mention *with deep Concern*, as they affect to express themselves, "that a *general Spirit of* INSURRECTION prevails, not only in the Town, but throughout the *whole Provinces*."[1]—The Commissioners themselves, in their Letter to General Gage, tell him, "that it is utterly impossible to carry on the Business of the Revenue in the Town of Boston, from the outrageous Behavior

[1] *Letters to the Ministry*, p. 101.

of the People:" They acquaint the General "of the *alarming* State of Things in the Town, and desire him to *give them Protection.*" And tho' Gov. Bernard, when not so much on his Guard, or perhaps under some little Compunction of Mind, in his Letter to the Commissioners, June 13, gently chides them for their ill-grounded Fears, and tells them "he is *very sorry* that they think themselves so much in Danger in Boston (which he had before said was no Place of Safety for them) as to think it unsafe for them to reside there"; notwithstanding all this, yet in the Letter we are now considering, which was written nearly at the same Time, he positively assures his Lordship, that "if there is not a REVOLT, the Leaders must falsify their Words and change their Purposes." Perhaps he would have been more consistent if he had imagined these Letters would ever have seen the Light. He concludes his Letter with mentioning a a few more "Papers stuck up on the Town House". —No Evidence however appears to have accompanied all these heavy Charges upon a whole Community: But Gov. Bernard and others seem to have conducted their Proscriptions as if they could have, even foreseen that the bold Assertions of Persons apparently inimical to a Country, anonimous Letters, Street Conversation picked up by Pimps and Spies, and Papers stuck by no one knows whom on a publick Building, would be of so much Weight as to influence the Measures of Administration! Can any Person believe this a just Representation, when Governor Bernard with all his industry and *Aid* has not been able to furnish Proof that any Body or Combination

of Men, or even a single Person, had incur'd a legal Penalty, if we except the Disturbances that happen'd on March and June already considered.

The Governor in his Letter of the 9th of July informs his Lordship of a Manœvre, as he calls it, of the Sons of [21] Liberty; a Number of them going out of Boston at the close of a certain Day in Parties, and meeting on each Side of a House in Roxbury, which Mr. Robinson (and his Lordship must be inform'd that he also was one of the Commissioners) had lately hired, with an Intention to surprize him and prevent his Escape; but he being at the Castle, *where the Commissioners had been driven for Safety*, they did nothing but plunder his Fruit Trees. [1] This is a very solemn Account indeed; but he never laid this "Manœvre of the Sons of Liberty", *extraordinary* as it was, before the Council, which he never fail'd to do on like Occasions; thinking possibly, that respectable Body might be of Opinion, that a Gentleman of any political Party may be suppos'd to have had his Orchard or Fruit Gardens robb'd by *liquorish Boys*, without making a formal Representation before his Majesty's first Ministers of State. As the Governor will still have it that the Commissioners were "*driven* to the Castle *for Safety*", we take Occasion to observe here, that it was notorious, that they frequently landed on the Main, and made Excursions into the Country; visiting the Lieutenant-Governor

[1] In place of the following seven words the draft reads: "If there is any foundation for this Story, which is very improbable, it being at this time a piece of News in the Town no doubt it is greatly exaggerated to serve the purpose which the Gov[r] had constantly in view."

and other Gentlemen at their Seats, where it would have been easy to have seized them if any Injury had been intended them; which as his Majesty's Council very justly have observed, "demonstrated the Insincerity of their Declarations", as it did those of the Governor "that they immured themselves at the Castle for Safety".

Another Part of the Detail in this Letter is the Rescue of a Vessel which had been seiz'd by the Custom-House Officers. It seems by Governor Bernard's Account, it had been "thought proper to try an Experiment"; for says he, "When the Sloop was seiz'd which occasion'd the Riot, and in Consequence of which the Commissioners were oblig'd to leave the Town, the greatest Part of the Resentment was express'd against the putting her under the Care of the Man of War"; which was very true, and he might have also said, the making the Seizure with an *armed* Force,[1] and therefore, he adds, "when this Schooner was seiz'd, it was left at the Wharff, under no other Care but two Custom-House Officers", in hopeful, no Doubt, if not certain Expectation that the Rescue would be made, from [22] whence it might possibly be made to appear that the Resentment against the Proceedings of the Custom-House Officers in the former Instance, as being violent and illegal, was mere Pretence. The Rescue was made, and it was universally displeasing to the Town. The Governor says, "this very Molasses was the next Day return'd," and tells his Lordship, that "the Se-

[1] At this point the draft includes the words: "which was unprecedented illegal & justly alarming."

lectmen of the Town sent for the Master of the Schooner," and "ordered him to return it, under Pain of the Displeasure of the Town"; which is a gross Misrepresentation of the Matter and artfully designed to prepare for the subsequent ungenerous Remark, that "all Government is now in the Hands of the People." A good Magistrate would have rejoiced in this Instance of the People's voluntarily affording their Aid in the Recovery of the King's Due, which had been rescued from him, without torturing his Invention to find an ill-natured Construction for it: But Gov. Bernard is disturb'd that "the Humour of the People," which he says this was done "to please," should ever coincide with their Duty to their Sovereign—The voluntary Association of the People to promote Peace and good Order, he had before said "carried an Implication of Danger" to the Government; and now, when they seem to unite in taking Measures for the Execution of a Law, altho' in its Nature disagreeable to the People, why truly "the Government is in the Hands of the People, and not of those deputed by the King, or under his Authority." But if the People had a View to save their own Reputation in this Piece of Service to the Crown, as the Governor intimates, surely he will not say it was "ill-judged" or "ill-timed." The Truth is, they had a *particular* View at this Time to prevent Governor Bernard's improving this Rescue, which they were in no Sort concerned in, to the Prejudice of the Town, as had been his constant Practice in other Cases, and as it now evidently appears he intended: And it was certainly a wise

Precaution; tho' a candid Mind will by no Means exclude any other *good* Intentions.—We cannot forbear taking Notice here with *Freedom*, of a very extraordinary Assertion of Governor Bernard, in this Letter to his Lordship, That "every Seizure made, or attempted to be made on Land at Boston for these three Years past, before these two Instances, had been violently rescued or prevented."—An As- [23] sertion so notoriously false, that few Men could have made it without Blushing; and we may suppose even Governor Bernard himself would not have made it, had he apprehended it would ever have become Public.* The Officers of the Customs themselves will not venture to affirm it. If the Assertion is true, his Majesty's Council must have been egregiously mistaken when they declare that "no Instance can be alledg'd of any Vessel seiz'd or any Seizure whatever in the Town of Boston being rescued out of the Hands of the Officers, except what took Place here on the 8th of July Instant, when a Quantity of Molasses (this very Molasses) having been seiz'd, was taken away from the Officers who had Charge of it; which unwarrantable Proceeding being universally condemn'd, the Molasses was very soon return'd". As

* It is remarkable that Governor Bernard, not long before these Letters were made public, expressed to a certain Gentleman, his earnest Wish, that the People of this Province could have a Sight of all his Letters to the Ministry, being assured that they would thereby be fully convinced that he was a Friend to the Province—Indeed he made a Declaration to the same Purpose, in one of his public Speeches to the House of Representatives. Upon the Arrival of the Letters however, he discovered, as some say, a certain Paleness, and complained of as an Hardship that his Letters, wrote in Confidence, should be expos'd to the View of the Public.—A striking Proof of the Baseness, as well as the Perfidy of his Heart!

this base Story was *invented* and told by Gov. Bernard, with the sole Intention of casting an Odium upon the Town, we have Reason to expect his Retraction of it; or he must bear the Reproaches of an highly injur'd Community, and the just Censures of all impartial Men. After these false and injurious Assertions, he thinks it a proper Time to acquaint his Lordship, that the one Regiment which he had the flattering Expectation of, from a Letter he had receiv'd from General Gage, "tho' it might secure the Castle, would not be sufficient to *awe the Town*"; which was in Effect asking for *more*. Thus we see the Means which Governor Bernard and his Confederates have been incessantly using to accomplish their Designs; and strange as it may in some better Times hereafter appear, these Means and these very Instruments at Length prevail'd to introduce a military Power into this Town—A Power which is daily trampling on our Laws, contemning our [24] Religion, and invading the Rights both of Persons and Property—A Power by which a truly loyal but long-abus'd and highly provok'd Community, is, not indeed *awed*, but distress'd—And were it not for the certain Advice that our humble and dutiful Supplications have at Length reach'd the Royal Hand, we should be reduc'd even to a State of Desperation!

Governor Bernard in his Letter to Lord Hillsborough of the 16th of September,[1] begins with acquainting his Lordship with the *prudent* Methods he took, to communicate the Expectation of the Troops *gradually*, for Fear of certain ill Effects that might

[1] *Letters to the Ministry*, pp. 52–56.

arise from their sudden Arrival. And no wonder that the Man who had long been representing a whole Country as *Rebels;* and had been *one* of the *principal* Instruments in bringing such a Curse upon it, should at that Juncture be under some Apprehensions of Danger. In his last Letter he talks of his *personal Courage*, and tells Lord Hillsborough that "he did not feel his own *Firmness of Mind* to fail": He also mentions "the *spirited Conduct* of the Lieutenant-Governor; and with Pleasure assures his Lordship that "he could depend upon *his* Resolution and Steadiness as much as he could upon *his own*"; from whence he concludes that "there would be no want of a *due* Enforcement of the Laws to the Correction of the present Abuses":—But *now* he seems to be conscious of Fear!—Happy was it for him, that he was in the Hands of a People; who attended to the Dictates of sound Policy, Religion and Loyalty—He first opens this Matter to one of the Council, and tells him that "he had private Advice that Troops were order'd hither, but that he had no publick Orders about it himself"; and he observes that "it quickly was very thoro'ly circulated all over the Town," and the *Faction* immediately took the Alarm". By this he would insinuate that the better Sort of the People, and even the Generality of the Town, were well enough pleas'd with it. If the Faction *only* took the Alarm, the Generality of the Town must have been included in the Faction: For in Truth, he had the Mortification of seeing the whole Body of the People, saving his own very few Adherents who were properly an *implacable Faction*, thoro'ly

awakened and alarm'd at the sudden Ex- [25] -pecta-tion of a military Force, which had indeed been often threatned by this Faction, but few realiz'd it before —And now the Pimps were all immediately sent out, who no Doubt were rewarded in Proportion to their Success in the Business; and the Governor soon had Intelligence brought to him of the Conversation of "*private Companies*": And that in one "it was the general Opinion to raise the Country and oppose the Troops"; in another "it was resolv'd to surprize and take the Castle". How ridiculously impertinent must he appear in the Eyes of Men of Sense, after all to acquaint his Lordship, that "he does not relate these Accounts as *certain* Facts." To what Purpose then did he relate them at all! It seems that he was full as *designing*, in communicating to Lord Hillsborough, as he was in communicating to the People, tho' his Designs were different: For the People were not to be told the *whole* that the Governor knew to be true; but his Lordship was to be induc'd to believe *more*:—In either Case if the Purpose could be served, Sincerity was out of the Question. Uncertain however as these Facts were, his Lordship is informed, that they were yet "believed"! Strange, as they were said to be Facts of Yesterday, that no one, after all the Pains that had been taken, could make them *certain*; and if they were not to be made certain, stranger still that any in their Senses should *believe* them.—Some Men are very apt to believe that which they *wish* were true: This no doubt is the present Case.—And besides, we are to remember, that more than two Regiments were wanted to *awe*

the Town; and if the Governor could boldly say, that these Reports, vague as they were, had obtained *any* Credit here, no Matter *by whom* believed, they would have some Weight. But he must be presumed to think very *injudiciously* of the Head or the Heart of a *Minister of State*, to suppose that such an undigested and ridiculous Account of Things would influence *his* Measures. Nothing, we should think, but the great Candor which has ever appeared in Lord Hillsborough towards Governor Bernard, could have prevented his severest Censure.—But admitting they were true, which was by no Means the Case, certainly the Town is not accountable for what one of his Excellencies Spies might have overheard in a "private Company."—Let us then consider the Account the Governor [26] gives of the *public* Conduct of the Town, at a Meeting legally called on Monday September 12. And first he says, "at the Hall the Faction appeared surrounded with all its Forces"; and an Appearance very *decent* at least, it seems, they were capable of making according to the Governor's Account. For he tells his Lordship, "a Set of Speeches by the Chiefs of the Faction, and *no one else*, followed in such *Order* and *Method*, that every Thing both as to *Matter* and *Order*, seem'd to have been preconcerted;" while alas! the "very few principal Gentlemen there," the better Sort in the Governor's Estimation, appeared "as curious, perhaps *anxious* Spectators"! Where is now the little Remains of an *expiring Faction*, which he had so often told the World of? The Tone is wonderfully altered; the Body of the People are now *truly* represented as

united firm and *regular* in their Opposition to his Measures, while his own *few partizans*, who yet must be stiled "*the principal Gentlemen*," tho' expecting every Moment to be "surrounded with all *their* Forces," appeared inquisitive and *anxious* for the Event! But nothing was resolved upon, says the Governor, but to put two Questions to me, and appoint a general Committee to consider and report." The main Question to the Governor was, Whether he had certain Expectation of the Troops? To which he answered with an artful Ambiguity that he had private Advice, but no publick Orders about it. His private Advice might have been *certain;* or he might have had *authentick* publick Advice without publick Orders about it, for General Gage was Commander in Chief of the King's Forces. Being however somewhat press'd by the Committee who waited on him, he discover'd a Duplicity for which he has a peculiar Talent, and said, that he would not have the Town *certainly* expect the Troops; altho' he then expected them himself, and fully believ'd they were on their Passage from Halifax; and in this Letter to Lord Hillsborough he tells him, that it was at that very Time his Intention to communicate these Expectations of them *gradually*—His Account of divers Speeches made in the Town Meeting is as uncertain, and with Regard to some of them, as untrue, as the Intelligence he had receiv'd of the *private Conversation:* Perhaps it was carried to him by the same Hands, as some of *his* principal Gentlemen were there. [27] The Resolves and Determinations of this Meeting, as the Governor says, were publish'd

to the World; and they remain on the Records of the Town that Posterity may judge of them. The Town has seen no Reason since to revoke these Resolves, notwithstanding they have been sentenc'd as "very dangerous Resolves, procured by mad People", by so exquisite a Judge, in Matters which regard *civil* Government, as well as so polite a Gentleman as General Gage. The Governor himself has been since respectfully requested by the Selectmen, in Behalf of the Town, to shew in what Respect the Resolves and Proceedings of this very Meeting had militated with Law; but he declined it: And we believe he declin'd it, because he was not able to do it. Spirited indeed they were, but not too spirited for the Times.—When the Constitution is *threatened*, the Principles of the Constitution must, if ever, be asserted and supported—The Governor indeed takes Notice of our Claim to a certain Clause in the Bill of Rights as "a large Stride": But as we are free British Subjects, we claim all that Security against arbitrary Power, to which we are entitled by the Law of God and Nature, as well as the British Constitution. And if a Standing Army may not be posted upon the Subjects in one Part of the Empire, in a Time of Peace, without their Consent, there can be no Reason why it should in any other; for all British Subjects are or *ought to be* alike free.—

The Governor in a former Letter to Lord Hillsborough mention'd the Selectmens ordering the Arms belonging to the Town to be brought out and clean'd; and to make something of the Story, he told him that "they were expos'd some Hours at the Town House":

In this Letter he says "these Arms were deposited in Chests, and laid upon the Floor of the Town Hall to *remind the People of the Use of them*". Could any one besides Governor Bernard, descend to so pitiful an Artifice as to insinuate that these Arms were clean'd, expos'd to the People, and finally laid on the Floor of the Hall at this Juncture, to induce his Lordship to believe, that *these* were the Forces with which the Faction appear'd "surrounded", and that the Selectmen who are the principal City Magistrates, and the leading Part of the Town itself, were actually in the Plan which he had just before mentioned, as concerted in one of the private Meetings, "to raise the Country & oppose the Troops": And [28] that these Arms deposited in Chests were laid on the Floor of the Hall, to "remind the People of the Use of them," and inspirit them for the Purpose of opposing the Troops. Whereas the simple Truth of the Matter is, these Arms had for many Years been deposited in Chests and laid on the Floor of the Town Hall; but the Hall itself being burnt a few Years ago, the Arms were sav'd from the Ruins and carried to the Town House: After the Hall was Re-built the Town ordered their Removal there; and tho' it happen'd to be done at a Juncture when the Governor and his Confederates talked much of the Town's *revolting*, there was no other Thought in the Minds of any, except the Governor and a few more, and it is a Question whether even he, or they, really thought otherwise, but to lodge them in their proper and *usual* Place.

We cannot help taking Notice how very exact the

Governor sometimes is even in the choice of Words, in his "Detail of Facts" to a Minister of State: An Instance of which we have now before us, wherein he mentions to his Lordship his inclosing "a blank Copy of the *Precept* (as he is pleas'd to call it) which the Selectmen have used," it is a Wonder it was not *issued*, for that would have made it appear more *formal*, "in calling together the Convention"; from whence he takes Occasion to say, it was "a daring Assumption of the Royal Authority." Here then is the Treason and Misprision of Treason, or a Part of it at least, about which there has been such an Eclat of late; for which the Governor tells his Lordship in his *Detail* of the Convention, every Well-wisher of the Province, of whom he is doubtless one, "most devoutly desires the Charter may be forfeited"—And some of the Leaders were to be sent to England to be tried there—Nay, his Lordship, or some one of his Majesty's Servants is informed that they expected it themselves; for Commodore Hood in one of his short and *pithy* Epistles, says, "they were alarm'd, and expected nothing less than a Voyage to England against their Inclinations".—But his Lordship's *deep* Penetration might have discover'd that this "Precept to call a Convention" was nothing more than a *friendly circular Letter* to the Selectmen of the several Towns in the Province, *desiring* them to *propose* to their respective Towns the sending Committees, to join with those of the Town of Boston, in consulting Measures to promote Peace and good [29] Order: which was so far from an Assumption of the Royal Authority, that it assumed not the least Shadow of any

Authority whatever—This very innocent Measure of the Town in "calling together a Convention" as the Governor expresses it, which he so highly censures, and upon the Promoters of which he loudly calls for the national Vengeance, was most certainly attended with all the happy Effects for which it was propos'd: For the general Sentiments of the Province were thereby collected, which could not otherwise have been done; the Governor having arbitrarily dissolv'd the General Assembly, and positively refus'd to call another, against the dutiful Petition of the Convention itself, as well as of the Town, even before they propos'd or thought of it—The several Towns having the Opportunity of conferring together by their Committees, had the same Effects which followed a certain *circular Letter*, which formerly so perplex'd his Excellency; for the People became the more united in the Measures proper to be taken for the Preservation of their common Rights at so critical and alarming a Juncture. And tho' the Governor says "at the Fountain Head it was intended to provoke Resentment", yet to this very Measure has been imputed, in some small Degree at least, whether justly or not, it becomes not this Town to say, that *Prudence* as well as Firmness and Perseverance in the Cause of Liberty, of which it is hoped this Country will forever avail itself. Even Governor Bernard cannot but own that the Convention discover'd "Moderation" and "a temperate Conduct", which is far from being inconsistent with *true Fortitude*: But he is not willing that the Town of Boston should "*assume* the Merit of it". They are very far from a Disposition thus

to assume: They are content to have that Share of Merit which their beloved Countrymen are willing they should have. And tho' he would insinuate to his Lordship with his usual Cunning, that there was at the Convention an *essential* Difference of Sentiments between the Town and the Country; and that "many of *the Deputies* came down with a Disposition and Instructions to prevent the Bostoners (as he elegantly expresses himself) involving the Province in the Consequences of their own mad Devices"; and that many of them "were from the beginning sensible of the Impropriety and Danger of this Proceeding"; His Lordship, as "they printed what they [30] did", has no Doubt been since convinced, that they were *united* in their Sentiments of the common Cause.

But this very peaceable Proposal, the Governor thinks, exceeded the "Great Rebellion when it was at the highest, and the Confusion arising therefrom most urgent for some extraordinary Measures". Here is the Burden of the Song—*extraordinary Measures!* And surely his Lordship must propose some *very extraordinary* Measures to chastise a *greater* than the Great Rebellion, even when it was at the highest—Not content with pouring forth this Torrent of Zeal, the Governor still presses upon his Lordship; and assures him that "unless it is prevented by some Power from without, not only the Crown Officers will be excluded", but "every Ingredient of Royalty" in the Government of the Province will be totally destroy'd—What Rhetorick! to arrest his Lordship's Attention, and hurry him on to

conclude with the Governor, that "the Force already order'd by General Gage, viz. two Regiments, will not be sufficient".—In Order still to heighten the Ideas of an intended Rebellion, the Governor adds, "It is now a great Question whether the King's Troops will be suffer'd to enter the Town or not". And "the Design against the Castle is now so well known that it is probable that the very Names of the People who were enroll'd for that Service to the Number of Five Hundred, or of the Chiefs of them will be discover'd". It is pretty remarkable the Governor in the former Part of this Letter inform'd his Lordship, that he did not relate *this very* Account as a certain Fact; his Spies must then make very quick Rotations, and the Intelligence flow in very fast, to be so well assured of it before he concluded; or the Governor must be so unfortunate, perhaps not having Time in the Multiplicity of his Affairs, to keep a regular *Diary*, as to forget what he had wrote, and as we every now and then find it happens, in the "*overflowings*" of his Zeal, to be inconsistent with himself.

It would be an endless Task to take particular Notice of every false and injurious Representation contain'd in these voluminous Letters.* No one can

* Indeed it might be said, *the whole World would not contain* all the Remarks that might be justly made upon them. One instance however seems to have been overlooked by the Town; and as it is an instance of importance, it is hoped, its being notic'd in the Margin will not be thought amiss. The Governor, after having prevail'd upon the Council, at a very *thin* Board, and by a Majority of *One* out of only *Eleven* Gentlemen present, to advise to the clearing the Manufactory-House in Boston, for the Reception of a Part of the two Irish Regiments then expected; in his Letter to Lord Hillsborough of Nov. 1st,

read them without being [31] astonish'd at seeing a person in so important a Department as Governor Bernard sustain'd, descending in his Letters to [32] a Minister of State, to such Trifling Circumstances, and such slanderous *Chit-chat*: Boasting, as he does in one of his Letters of his *over-reaching* those with whom he was transacting publick Business; and in

he gives him an Account of the Steps he had order'd for *the Removal of the Families* out of the House. And it seems, that the Governor, by a Power which he has *assumed*, appointed the Sheriff and two of his Deputies, Bailiffs for the Governor and Council, for the Purpose: These Families however, refus'd to submit to *such* Authority, even tho' the Chief Justice himself *condescended* to go with the Sheriff, and *advis'd* them to give up the House. The Sheriff upon the third Attempt says the Governor, "finding the Window open, enter'd; upon which the People gathered about him and shut him up; he then *made a Signal*, to an Officer who was without, who *brought a Party of Soldiers*, who took Possession of the Yard of the Building, and reliev'd the Sheriff from his Confinement"—This is the Governor's Account of the Matter; but others give a very different Account of it, and say that the Sheriff attempted a *forceable* Entry, and was resisted by the People within the House; and by them *only:* Certain it is, that one of them commenced an Action of Trespass against the Sheriff; but what became of the Action the Records of the Court of Common Pleas will best show: It is also certain that an Officer, a *Military* Officer, was without and *at Hand;* and upon a Signal from the Sheriff, bro't a Party of Soldiers, the whole Regiment being then encamped in Sight on the Common; and the *Soldiers* (not the Inhabitants as the Governor asserts) "kept the House blockaded all that Day and best Part of the next." It is further certain, and it may be attested by the Oaths of divers Persons of Credit, that Offers were made to the Sheriff, of sufficient Aid in the *legal* Execution of his Office, if he would dismiss the Troops; illegal Steps being at the same Time excepted against—Great Numbers of People during *the Seige* as it may be properly called, were collected in the Street, which is as spacious as in any Part of the Town, but the Governor owns they did no Mischief: He indeed represents it in his usual Manner, as a GREAT MOB *assembled with some of the Chiefs of the Faction*, intimating thereby as in his former Letters "an intended Insurrection": The General on the other Hand says the Matter "occasion'd a *little Disturbance* of no Consequence"; but takes Care to add, that "it serv'd to show a most obstinate Spirit of

Order to prejudice the most respectable Bodies, meanly *filching* from Individuals belonging to those Bodies, what has been drop'd in the Course of Business or Debate: Journalizing every idle Report brought to him, and in short acting the Part of a Pimp rather than a Governor. — As these Letters, being now made public, will be a monument of Dis-

Opposition to every *Measure* of Government" The Governor further says, the Inhabitants "were very abusive to the Soldiers";—The Contrary is most certainly and *notoriously* true. He says also, That "the Soldiers were withdrawn on the Evening of the second Day": So far is this from Truth, that the Guard of Soldiers to whose Custody the Sheriff committed the Cellar of the House, which he had got the Possession of, kept their post a *much longer* Time; and Application was made to divers of his Majesty's Justices of the Peace for their Removal *by the Force of Law* near *three Weeks* after. And again the Governor says, that "this Building was kept filled with the Outcast of the Workhouse, to prevent its being used for the Accommodation of the King's Troops"; Which is contradicted by *the Oaths* of all the Overseers of the Poor, who must have known it if it had been true, for the Care and Government of the Workhouse is by Law vested in them. The Truth is, the People gathered upon this extraordinary Occasion, but were very peaceable; some few it may be to carry Intelligence to the Governor, but by far the greater Part, from a just Abhorrence of this *Measure* of *Government*, to borrow the General Expression, and an Anxiety for the Event of this *first open and avow'd* Effort of *Military* TYRANNY! The Governor declares, that the Council who were alarm'd at the Violence of this Proceeding, must have known that the Entry "could not have been made without Force;" and he sufficiently explains what *sort of Force* he meant, in the Reason he gives, why the Soldiers were withdrawn for that Time, which was, because "the Building was not immediately wanted", the Irish Regiments, for whom it was design'd, as was *pretended*, not being yet arriv'd.—Perhaps the Governor gives this *circumstantial* Account to his Lordship to confirm what he had before said, that "Two Regiments were not sufficient to AWE THE TOWN!—This Attack upon the Security of People's *Dwelling-Houses*, was as *violent* as has ever been known even under the most *despotick* Governments, tho' happily it proved unsuccessful. This is one of the *bright Glories* of BERNARD'S Administration: *He* who with so much *Readiness* and exact *Propriety* afforded the Aid of his *Advice*, and PREJUDG'D the Matter, claims however his Share in the Annals of Fame.

grace *to him*, it cannot be suppos'd that any Honor can be deriv'd from them, to those great Men to whom they were addressed. [33]

Notwithstanding the Town have been oblig'd in Justice to themselves, to say thus much in their own Vindication, we should yet be glad, that the ancient and happy Union between Great-Britain and this Country, which Governor Bernard has so industriously labor'd to interrupt, might be restor'd. Some have indeed flatter'd themselves with the Prospect of it; as Intelligence is said to have been receiv'd from Administration, that *all* the Revenue Acts would be repeal'd: But as it since appears by Lord Hillsborough's own Account, that nothing more is intended, than the taking off the Duties on Paper, Glass, and Painter's Colours, upon commercial Principles only; if that is all, it will not give Satisfaction: It will not even relieve the Trade from the Burdens it labours under; much less will it remove the Grounds of Discontent, which runs thro' the Continent, upon much higher Principles. Their Rights are invaded by these Acts; therefore untill they are *all* repeal'd, the *Cause* of their just Complaints cannot be remov'd: In short, the Grievances which lie heavily upon us, we shall never think redress'd, till *every Act*, pass'd by the British Parliament for the express Purpose of raising a Revenue upon us without our Consent, is Repeal'd; till the American Board of Commissioners of the Customs is dissolv'd; the Troops recall'd, and Things are restor'd to the State they were in before the late extraordinary Measures of Administration took Place.

Besides these Letters of Governor Bernard, we find others written by General Gage, and Commodore Hood. And we cannot but observe, that altho' both these Gentlemen were perfect Strangers in the Town, they have yet taken such extraordinary Freedoms, and the General in particular has wrote in such a positive Strain, as must unavoidably give high Disgust to every Reader of Candor and Impartiality.—If these Gentlemen receiv'd the Character of the Town, or of any of its Individuals, from Governor Bernard, as we are ready to think they did, they must have been long before convinc'd, if they knew any Thing at all of the State of the Town, that the Governor was too deeply interested in *misrepresenting*, to be credited in a Point of that Importance; and therefore common Justice would have dictated a Suspension of their publick Testimony to the Prejudice of a Community, till they could have had [34] the Opportunity of doing it upon impartial Enquiry, or *their own* Observation—The General seems to have early imbib'd some Sort of a Prejudice against a Town, that had been before prejudiced in *his* Favor: For the Governor in one of his Letters to Lord Hillsborough acquaints him, that the General "had sent Capt. Montresor from New York, to assist the Forces as *Engineer*, and enable them to RECOVER and maintain the Castle, and such other Posts as they could secure", upon Intelligence that the People in and about Boston had *revolted*. Now even the Gov. himself declares this to be a mistake, and says that Things were not quite "so bad as that came to."—As there are two constant and regular Posts between this Town and

New-York, each of which carries Intelligence from the one to the other in the Course of a Week; and more especially as he might reasonably expect authentick Accounts of a Matter of such *Importance*, by Express in a shorter Time; it is strange, if the General's Mind was unbias'd, that he should so strongly rely upon private Advice, as to form his Measures from them, which the Governor asserts.—It was a Measure of Importance, as it issued, to the Town: for Col. Dalrymple who had the Command of the Regiments, from *the Authority of these new Orders*, as the Governor declares, tho't proper to alter the Plan, which was to land only one, and landed *both* the Regiments in Boston without Loss of Time. Perhaps it was under the Impression of these *private Advices*, and "the Narrative of the Proceedings of the Town Meeting", which the Governor also mentions as influential on the General's Measures, and which possibly was a Narrative of the Governor's *own writing*, that so wrought upon the General's Imagination, as to induce him to give his Opinion to his Lordship that the "Intentions of the Town were suspicious, and that he was happy the Troops from Halifax arriv'd at the Time they did"! These and many such like *unprovok'd* Expressions are to be found in the Letters of both these Gentlemen, and especially the General's; but as they partake of a full Portion of the Spirit of Governor Bernard's, and as the sense of this Province fully appears in the late spirited Resolves of the House of Representatives, we shall avoid troubling the Publick with particular Remarks upon them, and to borrow an Expression of *great*

Authority, "treat them with the Contempt they deserve". [35]

The Town of BOSTON, at their meeting before-mention'd, came into the following Resolutions, *viz.*

RESOLVED, That the Letters and Memorials of Governor Bernard and the Commissioners of the Customs in America, transmitted by them respectively to his Majesty's Ministers, and laid before the Parliament of Great-Britain, authentick Copies of which are now before this Town; had a Tendency to deceive the Ministry and lead them unavoidably to misinform his Majesty, with Regard to the Affections and Loyalty of his American subjects in general: And that the said Governor Bernard and the Commissioners have particularly, in their Letters and Memorials before-mentioned, [36] discover'd an implacable Enmity to this Town, and the most virulent Endeavours to traduce it even to his Majesty himself; by Means whereof the Inhabitants very sensibly feel the Displeasure of their Gracious Sovereign.

RESOLVED, That this Town have Reason to rejoice in the Measure taken by the Honorable House of Representatives, in the last Session of the General Assembly; by so seasonably preferring their Dutiful and Loyal Petition to his Majesty, for the removal of Governor Bernard *for ever* from the Government of this Province: And the Town take this Opportunity to express their most ardent Wish; that the Prayer of said Petition to his Majesty may be graciously heard and granted.

RESOLVED, That General Gage and Commodore Hood in their several Letters to his Majesty's Ministers and Servants, authentick Copies of which are

now before this Town, have discover'd an unreasonable Prejudice against the Town. And the General in particular, in declaring in his Letter to the Right Hon. the Earl of Hillsborough, one of his Majesty's Secretaries of State that "*in Truth there was very little Government in Boston*; and in making Use of other Expressions *alike severe*, has done great Injustice to the [37] Town, and an irreparable Injury. And it is moreover the Opinion of the Town, that the *Readiness* he has discover'd to receive unfavorable Impressions of it, and the publick Testimony he was prevail'd upon to bear against it, before he could have Time to make an impartial Enquiry, betray'd a want of *Candor* unbecoming his Station and Character.

RESOLVED, That many of the Letters and Memorials aforesaid are false, scandalous, and infamous Libels upon the Inhabitants of this Town, Province and Continent, of the most virulent and malicious, as well as dangerous and pernicious Tendency: And that the Selectmen be and hereby are directed to apply and complain to proper Authority, that the wicked Authors of those incendiary Libels, may be proceeded with according to Law, and brought to condign Punishment.[1]

The Reader is desired to correct the following, and any other Mistakes of the Press.

Page 7. line 4, for *is* read *in*.

Page 18. line 8 from bottom, for *senticat*, in some of the Copies,—read *sentiunt*.

[1] The town also "Voted, That Messrs. Edes and Gill have the Printing of the vindication of the Town of Boston from the many false and malicious Aspersions contained in Governor Bernard, and others Letters &c. as Reported by the Committee"—The House of Representatives had, on June 23, 1769, designated this firm to be public printers.